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A N
HISTORICAL AND CRITICAL
R E V I E W
OF THE
C I V I L W A R S
I N
I R E L A N D,

FROM THE
REIGN of QUEEN ELIZABETH, to the SETTLEMENT
under KING WILLIAM.
WITH THE
STATE OF THE IRISH CATHOLICS,
FROM THAT SETTLEMENT TO THE
RELAXATION OF THE POPERY LAWS,
IN THE YEAR 1778.

Extracted from PARLIAMENTARY RECORDS, STATE ACTS,
and other Authentic Materials.

By J O H N C U R R Y, M.D.

IN TWO VOLUMES.

VOL. II.

D U B L I N:

Printed for LUKE WHITE, No. 86, Dame-street.

M,DCC,LXXXVI.

AN
HISTORICAL AND CRITICAL
REVIEW
OF THE
CIVIL WARS
IN
IRELAND

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REGION OF QUEEN ELIZABETH TO THE SETTLEMENT
UNDER KING WILLIAM.

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By JOHN CURR, M.D.

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DUBLIN:

Printed by LUKAS WHITE, No. 1, Dame Street.

MDCCLXXVI.

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B O O K VIII.

C H A P. I.

The Marquis of Ormond returns to Ireland.

HIS excellency having arrived at Cork, on the 29th of September, 1648, was there received with general acclamations of joy ; and on the next day, the general assembly sitting at Kilkenny, gave a very signal proof of their real desire to be again received under his government,¹ by fixing a public brand on the two principal opposers of the late peace, the Nuncio Renuccini, and General Owen O’Nial.^a For they proclaimed the

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¹ Cart. Orm. vol. ii. fol. 42.

^a Dr. Leland, from Mr. Carte, gives us the following character of this general: “ Owen O’Nial had served in the Imperial and Spanish armies with reputation. He was governor of Arras, when the French besieged this town in 1640 ; and, though

latter a rebel and a traitor ; and upon entering into a treaty of peace with the marquis, they drew up a charge against the former,² “ representing the manifold oppressions, transcendent crimes, and capital offences, which he had been continually, for three years past, acting within the kingdom, to the unspeakable detriment of their religion, the ruin of the nation, and the dishonour of the See of Rome.” This heavy accusation met with no opposition, even from such ecclesiastics as were present in that assembly. “ It seems exceedingly strange to me,” says the Nuncio himself, in a letter to Cardinal Panzirolo on this occasion, “ that although there were eight bishops present in this assembly,^b which offered such violence to my authority, and passed an order, that none should hereafter obey my commands, not one of them did protest or declare against it, or depart from the place in which it was held ; or even make an apology, by a letter to his Holiness, or myself, for their conduct ; affirming only, that therein they followed the example of those of Portugal,

² Cart.Orm. vol. iii.

³ Nuncio's Memoirs.

though obliged to surrender upon honourable terms, yet his defence gained him the respect, even of his enemy. Experience had formed him to an able and skilful soldier ; quick in discerning, diligent in improving any advantage offered by the enemy ; more circumspect than enterprizing ; of a genius peculiarly suited to defence, and excellent at protracting a war ; qualities of especial use in that service which he was now to undertake. His knowledge of the world, his prudence, his sobriety and caution, appeared to greater advantage, as they were contrasted by the ignorance and rudeness, the intemperance and levity of Sir Phelim. To the secret mortification of this his kinsman, Owen was unanimously declared by the northern Irish, head and leader of their confederacy.” Carte's Orm. Lett. vol. iii. p. 178.

^b There were in this assembly, “ two archbishops, ten bishops, three earls, twelve viscounts, seven barons, twenty baronets, the principal gentlemen out of the three provinces of Leinster, Munster, and Connaught, besides some of the chief nobility of Ulster.” Bishop of Ferns's Lett. to the Nuncio. Vindic. Catholic. p. 180.

Portugal, who drove Cardinal Palotto out of the kingdom, and imprisoned his auditor."

With the above mentioned charge, Sir Richard Blake, chairman of the assembly,⁴ sent him notice, by their order, that there was a declaration and protestation preparing against him, which were to be sent to his Holiness, to the end that his lordship might prepare for his journey, and for his defence; and that, in the mean time, he should not intermeddle, by himself or any of his instruments, directly or indirectly, with the affairs of the nation, on the penalty which might ensue, by the law of God and nations."^c

The Nuncio, accordingly,^d left Ireland on the 23d of February following, to the great joy of the principal nobility and gentry, and the most respectable ecclesiastics of the kingdom. Yet while he was preparing for his departure, the lord lieutenant sent him a private message, by two of his particular friends, the Bishop of Ferns and Nicholas Plunkett, Esq; "that if he would then,^e at parting, take off his excommunication, and dispose the people to an absolute obedience to the peace, and the king's authority, he should not only receive all possible civility from him, at his departure from Ireland, but that he would make a very advantageous mention of him to the queen, whose distressed condition," he said, "would certainly gain some credit to her at Paris, if it was not worse than London." But the Nuncio did not wait their coming; for on the night before, he went to sea in his own
B 2 frigate,

⁴ Cart. Orm.

⁵ Id. ib. vol. ii. fol. 55.

^c "Notwithstanding this message, he remained four whole months afterwards in the kingdom; and then left it of his own accord, and without any further message from the general assembly, when things seemed to be inclining to some kind of peaceableness between those of his party, and the other confederate catholics." Vindic. Catholic. in Hib. p. 174.

^d "The court of Rome," says Mr. Carte, "though it was contrary to their maxims to fix a public mark of censure on the conduct of their ministers, disapproving his conduct, sent him orders to make haste thither." Orm. vol. ii. fol. 56.

frigate, and, on the 2d of March, landed at St. Vaast, in the Lower Normandy.

At his return to Rome, he was but coldly received by the Pope; and after having been told,⁶ “that he had carried himself rashly in Ireland,” instead of being honoured with a cardinal’s hat, as he expected, he was banished to his bishoprick, and principality of Fermo; which he found in a distracted condition, by just such another insurrection of the people against their viceroy, as he had himself raised and fomented against the king’s lieutenant in Ireland. These disappointments of his own, and the distractions of his people, affected him so sensibly, that he soon after died of grief. To what desperate courses^e General O’Nial was driven, by the assembly’s proclaiming him a rebel and a traitor, shall be hereafter related.

C H A P. II.

His excellency treats of a peace with the confederate catholics.

“THE lord lieutenant¹ being invited to Kilkenny, by the general assembly, October the 28th, in order to a more expeditious settling of the points in dispute, made his entry into that city in a splendid manner; having been met at some distance from it by the whole body of the assembly, and by all the nobility, clergy, and gentry in the neighbourhood. He was received into the town by the mayor and aldermen, with all those ceremonies and honours, which such corporations used to pay to the supreme authority of the kingdom, and was lodged in his own castle, with all his own guards about him.”

The

⁶ Walsb’s Hist. of the Irish Remonstrance.

¹ Cart. Orm. vol. ii. f. 45.

^e “The malice and headiness of Owen O’Nial and his party afterwards, was as much, and in truth more, against the confederate Irish, than the king.” Borl. Irish Rebel. f. 269.

The next day after his arrival at Kilkenny, his excellency entered into a treaty of peace with the general assembly; and after he had advanced so far in it, as that, “he thought,² he had good grounds to hope it would be speedily concluded, upon the conditions he was empowered to give them, he found it suddenly interrupted by a very dangerous mutiny, raised by some leading officers in Lord Inchiquin’s army, who endeavoured, not only to hinder the conclusion of the peace, but also to incline those under them to a treaty and submission to the English parliament.”

On this occasion, it was thought necessary by his excellency and Lord Inchiquin, to suspend the conclusion of the peace, “in such a manner,³ as might induce the mutineers to believe it would be wholly laid aside for their satisfaction.” On the other hand, the article concerning the free exercise of religion, was not yet adjusted to the satisfaction of the assembly; some of the clergy having much higher expectations, in that respect, than others thought fit to be insisted on. “This was the only point,⁴ in which there was danger of the treaty’s breaking up unfinished, it being very difficult to give content therein to the Roman catholics, without at the same time disgusting the protestants.” But an incident happening at this juncture, united the differing parties in that assembly, and greatly accelerated the peace. Some copies of the remonstrance of the independent army in England, which had publicly avowed their design of subverting every thing, that had been hitherto known for government in these nations, were then brought to Kilkenny, and read with universal abhorrence. This⁵ immediately removed all the difficulties which some of the Roman catholics, in zeal for their religion, had thrown in the way of the peace. The general assembly receded from their demands in that point. And on the 28th of December, upon consideration of his majesty’s present condition, and their own hearty desires,

² Carte’s Orm. vol. iii.

³ Ib.

⁴ Id. ib. vol. ii. f. 43.

⁵ Id. ib. f. 49.

fires, says Mr. Carte, of spending their lives and fortunes, in maintaining his rights and interests, they resolved unanimously, to accept of the Marquis of Ormond's answer to their propositions for religion. "That desperately wicked remonstrance," says the marquis himself,⁶ "whatever mischief it may do, hath yet done this good, that it put us quite from all disputes upon the necessity of conditions, and was no small cause of the speedy, and I hope, happy conclusion of the peace."^b

C H A P. III.

The peace of 1648 concluded and proclaimed.

ON the 17th of January, 1648,¹ the general assembly repaired to the presence of the lord lieutenant in his castle at Kilkenny,^a and there, with all solemnity imaginable, presented to him, sitting on a throne of state, the articles of the peace, by the hands of Sir Richard Blake, their chairman, which he received; and having confirmed them, on his majesty's behalf, caused them to be publicly proclaimed. Nine Roman catholic bishops, present in the assembly, joined, the next day, in

⁶ Cart. Orm. vol. iii. f. 602.

¹ Id. ib. vol. ii. f. 50.

^b "This agreement," says Borlase, "passed with that miraculous consent and unity, that in the whole assembly, in which there were (nine) catholic bishops, there was not one dissenting voice." Irish Rebel. f. 260.

^a While the Marquis of Ormond was treating, at Kilkenny, with the confederates on the peace of 1648, the English parliament having had notice of it from Colonel Jones, ordered their commissioners treating with Charles in the Isle of Wight, to prevail upon him to disavow it. "Whereupon his majesty signified, that in case other things were composed by the treaty (with the parliament) the concerns of Ireland should be left wholly to the houses." And in the interim wrote to Ormond, "to require him to desist from any further proceedings in that peace." Borl. ib. fol. 259.

in a circular letter, which they sent to all the cities and corporations of their party, exhorting them to receive and obey the peace now concluded; which was in substance that which had been made in 1646, but rejected by a former assembly.”^b

The lord lieutenant, in a letter to Lord Digby, January the 22d, after telling him, that the peace was concluded, adds, “I must say for this people,² that I have observed in them, great readiness to comply with what I was able give them; and a very great sense of the king’s sad condition.” And in another letter, of the same date, to the Prince of Wales, he takes notice “of the very eminent loyalty of the assembly, which was not,” says he,³ “shaken by the success, which God hath permitted to the monstrous rebellion in England; nor by the mischievous practices of the no less malicious rebels in Ireland.”

After the signing of the articles, his excellency made a speech to the assembly, wherein he congratulated them, not only on the score of what they had already obtained by that peace, in point of freedom of worship, abatement of penalties, and other advantages; but also on the hopes of further indulgence and favour in all these respects, according to their future merits.” For he told them,⁴ “that, besides the provision made against their remotest fears of the severities of certain
(penal)

² Ib. vol. iii. f. 600.

³ Id. ib. f. 601.

⁴ Ib. vol. iii.

^b In that letter they observed to the people, “that although in their thoughts and occasions, during these seven years wars, they had still the same loyalty, which now made them comply with his majesty in his greatest necessity, and had often publicly sworn it, yet they lay under the suspicion of many men; but that by the present agreement, all blemish of that kind was taken away. That, as for their religion, they had received good satisfaction for the being and safety of it; that by the temporal articles, their lives, liberties, and estates were provided for; so as now,” added they, “you have a clear quarrel, without the least colour of suspicion; for you fight purely against sectaries and rebels, for God and Cæsar; and under those banners, you may well hope for victory.” Enquiry into the Share, &c. p. 267.

(penal) laws; and besides many other freedoms and bounties conveyed to them, and their posterity, by these articles; there was a door, and that a large one, not left, but purposely set open, to give them entrance to whatever of honour or other advantage they could reasonably wish." And yet, about the same time that his lordship made this public and solemn declaration to the assembly, he, in a private letter to Sir Charles Coote, a parliamentary rebel, "averred with much confidence,⁵ (they are his own words) that the advantages, which the Romish professors were supposed to have, in religion or authority, by that peace, were no other but pledges for his majesty's confirmation of the other concessions, and that they were to determine therewith;"^b as in truth they did.

C H A P. IV.

The happy effects of this peace. Ormond's defeat at Rathmines. Cromwell's arrival in Ireland.

THERE was, for some time, great union and harmony between the English and Irish forces, now joined under the Marquis of Ormond's command. His excellency in a letter to the king, June 28th, 1649, acquainted him,^c "that the ground of his greatest confidence of future success was their present cordial conjunction against the rebels, their former disaffection to each other appearing, then, only in an emulation rather of advantage than hinderance, to his majesty's

⁵ Cart. Orm. vol. ii. fol. 52.

^c Id. Carte's Orig. Papers, vol. ii. p. 387.

^b Yet the king himself, in a letter to the Marquis of Ormond, March 9th, 1648, told him on this occasion, "that he had lately received from Lord Byron the articles of the peace, which he had made in Ireland, together with a copy of his letter to him; that he was extremely satisfied with both, and would confirm, wholly and entirely, all that was contained in the articles." Cart. Collect. of Orig. Papers, vol. ii. p. 363.

majesty's service." ^a To this union it was certainly owing, that their first operations were extremely successful; for in the space of a few months, they became masters of Sligo, Drogheda, Dundalk, Waterford, Trim, Newry, and in short of all the strong holds and towns in the kingdom, except Londonderry and Dublin. Towards this latter city, therefore, his excellency marched the combined armies; hoping to repair the mischiefs he had done by his late surrender of it to the English rebels, and to reduce it once more under his majesty's obedience. His excellency's excessive confidence in these united forces, though now in want of almost every necessary for his enterprize on Dublin, is one of the supposed causes of his fatal disappointment in that attempt. That this confidence was indeed excessive, appears by his letter of July 18th, to the king, from his camp at Finglas; for there he tells him, ² "that which only threatens any rub to our success, is our wants, which have been, and are such, that soldiers have actually starved by their arms, and many of less constancy, have run home: many of the foot are weak; yet I despair not to be able to keep them together, and strong enough to reduce Dublin, if good supplies of all sorts come not speedily to relieve it. I am confident, I can persuade one half of this army to starve outright; and I shall venture far upon it, rather than give off a game, so fair on our side, and so hard to be recovered if given over."

But while his excellency was thus securely making preparations for that enterprize at Rathmines, a place three

^a Carte's Orig. Pap. vol. ii. p. 389.

² And yet Borlase confidently asserts, from Clarendon, "that from the first hour of the peace (of 1648) these English and Irish had not been without that prejudice towards each other, as gave the marquis much trouble; and that they were rather incorporated by their obedience and submission to the authority and pleasure of their chief commanders, than united by the same inclinations and affections to any public end." Hist. of the Irish Rebel. f. 287.

three miles from Dublin, his whole army was surprised and routed, by Michael Jones, governor of that city for the parliament, on the 2d of August, 1649. “ Jones,³ according to the Marquis of Ormond’s account, flew six hundred in that engagement; some upon the spot, and in the pursuit; but the greatest part after they had lain down their arms, upon promise of quarter,^b and had been, for almost an hour, prisoners;^c and divers of them were murdered, after they were brought within the works of Dublin.” This sudden and unaccountable defeat at Rathmines,^d renewed, in the Irish, all their former suspicions, that his excellency had still some private understanding with the English rebels; and these suspicions were increased, by the constant ill success of all his subsequent undertakings against their partizans in Ireland. To these misfortunes was soon after added a general panic, occasioned by the unparalleled cruelties of Oliver Cromwell, who landed at Dublin,⁴ on the 15th of that month, with eight thousand foot, and four thousand horse, two hundred thousand pounds in money, and a vast quantity of ammunition, and all kind of necessaries for war. “ With these forces, he on the

³ Cart. Orig. Pap. vol. ii. p. 397. ⁴ Carte’s Orm. vol. ii. f. 83.

^b “ Fifteen hundred private soldiers, and three hundred officers, were made prisoners; about six hundred slain; many of these, to the disgrace of the conquerors, when they had accepted quarter, and laid down their arms.” *Lel. Hist. of Irel.* vol. iii. p. 346.

^c “ Soon after this defeat,” says Borlase, “ Jones was writ to by his excellency, to have a list of the prisoners he had taken from him: to whom it was replied, “ My lord, since I routed your army, I cannot have the happiness to know where you are, that I may wait upon you. Michael Jones.” *Irish Rebel.* fol. 280.

^d Borlase informs us, “ that this defeat at Rathmines altered the result of councils at court, till then very strong for his majesty’s repair into Ireland, the Scots having given ill proof of their integrity and faith. And certainly,” adds he, “ the Irish were, at that time, so disposed, as properly they would have submitted to his majesty, whatever afterwards might have been the result of their compliance.” *Hist. Ir. Reb.* f. 280.

the 3d of September, besieged and took Drogheda by storm.^e And although all his officers and soldiers,^f had promised quarter to such of the garrison, as would lay down their arms; and performed it, as long as any place held out, which encouraged others to yield; yet when they once had got all in their power, Cromwell, being told by Jones that he had now the flower of the Irish army in his hands, gave orders that no quarter should be given; so that many of his soldiers were forced to kill their prisoners.”^f

The Marquis of Ormond, in a letter to Lord Byron on this occasion, says,^g “that Cromwell exceeded even himself, for any thing he had ever heard of, in breach of faith and bloody inhumanity; and that the cruelties exercised there, for five days after the town was taken, would make as many several pictures of inhumanity, as are to be found in the book of martyrs, or the relation of Amboyna.” In this carnage, out of three thousand, he left only about thirty persons alive; and these he sent to Barbadoes.

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^e Carte's Orm. vol. ii. fol. 44. *Lel. Hist.* vol. iii. p. 350.

^f Cart. Collect. of Orig. Pap. vol. ii.

^g “Cromwell marched from Dublin to Drogheda, on the 30th of August, 1649, with an army of nine or ten thousand men.” *Borl. Irish Rebel.* f. 282.

“Cromwell, they say, made his soldiers believe, that the Irish ought to be dealt with as the Canaanites in Joshua's time.” *Dr. Anderson's Royal Genealogies*, p. 786.

^f “The brave governor Sir Arthur Aston, Sir Edmund Verney, the Colonels Warren, Fleming and Byrne, were killed in cold blood; and indeed all the officers, except some few of the least consideration, that escaped by miracle.” *Carte's Orm.* vol. ii. fol. 84.

And yet, in the Journals of the Irish Commons, an. 1697, we find recorded, “the very great and signal services done by this Lieutenant General Jones, in reducing Ireland to the obedience of England:” i. e. to the rebel parliament of England. *Com. Journ.* vol. ii. f. 864.

C H A P. V.

Cromwell's policy to reduce Ireland.

CROMWELL having soon after repeated the same cruelties in the town of Wexford, which was betrayed to him by one Stafford,^a increased the general terror to such a degree, “that towns fifty miles distant from him,¹ declared against the Marquis of Ormond;” which

¹ Cart. Collect. of Orig. Papers, vol. ii.

^a Stafford was governor of the castle of Wexford; “which Cromwell having thus gained, advanced his flag upon it, and turned the guns against the town. Fear seized the townsmen, and the soldiers in confusion quitted their posts. Cromwell's soldiers perceiving this, presently clapped scaling ladders to the walls, and entered without resistance, into the town; wherein all found in arms were put to the sword, to the number of two thousand.” Borl. Irish Rebel. f. 284.

“Though Colonel David Synod, governor of the town, had confidence by the propositions he sent:

1st, That the inhabitants of the town should exercise, without disturbance, the Roman catholic religion.

2d, That their religious orders and priests should enjoy their monasteries and churches.

3d, That Nicholas (French), Bishop of Ferns, and his successors, should have the undisturbed jurisdiction of their diocesses.

4th, That their officers and soldiers should march out with flying colours, and the other punctilios of honour.

5th, That whoever of the inhabitants should hereafter desire to depart the town, should have whatever was theirs with them.

6th, That all freemen should have their liberties and immunities hitherto enjoyed, they adhering to the state of England.

7th, None to be disturbed in their possessions, &c.

“All which (says Borlase) Cromwell accounting impudent, had no effect.” Hist. Irish Rebel. fol. 284-5. Though he had just before (fol. 284.) said, that “Synod's commissioners, treating with Cromwell, had procured the safety of the inhabitants of the town, and preservation of it from plunder, as well as leave for the soldiers to depart every one to their own homes,

which provoked his excellency to say, doubtless with more anger than truth,² “ that the Roman catholics, who stood so rigidly with the king upon religion, and that, as they called it, in the splendor of it, were then with difficulty withheld from sending commissioners to intreat him to make stables and hospitals of their churches.” But if, indeed, these people were at first so much terrified by this monster’s unparalleled cruelties, they soon resumed sufficient courage to reject several more advantageous conditions, from his favourite and confident, Ireton, even in point of religion, than the Marquis of Ormond could ever be prevailed upon, by the most urgent necessity of his majesty’s affairs, to allow them. For when that regicide, in his march to Munster, sent proposals to the citizens of Limerick,³ offering them the free exercise of their religion, enjoyment of their estates, churches and church-livings, a free trade and commerce, and no garrisons to be pressed upon them, provided they would only give a free passage to his forces into the county of Clare; these citizens absolutely rejected the overture.”

But Oliver Cromwell, besides his execrable policy of facilitating the conquest of Ireland, by the same of his cruelties, had taken care, before he left Dublin, to publish a ⁴ proclamation forbidding his soldiers,
on

² Id. ib.

³ Cart. Orm. vol. ii. fol. 123. Lel. Hist. vol. iii. p. 370.

⁴ Cart. Orm. vol. ii. f. 90.

homes, they engaging not to bear arms against the states of England; and lastly, of life to the officers. Yet (adds my author) in great consternation, fear having surprized the townsmen and citizens before the commissioners return, they endeavoured to pass over the water for the safety of their lives; which Cromwell’s soldiers perceiving, clapt scaling ladders to the walls, and entered the town without any resistance; wherein all found in arms were put to the sword, to the number of two thousand; among whom Sir Edmund Butler was killed, before he had been two hours in the city. Cromwell, in the interim, not losing twenty men in the whole siege.”
Id. ib.

on pain of death, to hurt any of the inhabitants, or take any thing from them, without paying for it in ready money. This was so strictly executed, that even in his March from Dublin to Drogheda, where he was guilty of that horrid butchery, and breach of faith before-mentioned,⁵ he ordered two of his private soldiers to be put to death, in the face of the whole army, for stealing two hens from an Irishman, which were not worth sixpence.

Upon this strict observance of the proclamation, together with positive assurances given by his officers, “that they were for⁶ the liberties of the commons, that every one should enjoy the freedom of his religion, and that those who served the market at the camp, should pay no contribution, all the country people flocked to them, with all kind of provisions; and due payment being made for the same, his army was much better supplied, than even that of the Irish ever had been.”

On this occasion, a congregation of twenty catholic archbishops and bishops having on the 4th of December 1649, assembled, of their own accord, at Clonmacnoise, published a declaration,^b wherein “they admonished all

⁵ Doctor Gorges's Letter to Colonel Hamilton. Append. to Lesley's Anf. to King's state of the Protestants under K. James.

⁶ Carte, ubi supra.

^b “The whole Irish party, (says Leland) was anxious for the event of this self-appointed council, and looked for nothing less important than a violent protestation against the government of Ormond. Happily the temper of one of their bishops, Ever Mac Mahon, the Romish prelate of Clogher, disappointed these expectations. From the time of the accommodation between Ormond and O’Nial, in which Mac Mahon had been instrumental, the marquis frequently conversed with him on public affairs, and inspired him with an high opinion of his talents for government, and his zeal for the interests of Ireland; with these sentiments he entered the assembly of his brethren, where he had the consequence naturally derived from superior abilities. He silenced the factious, he encouraged the moderate, he defeated all the secret practices of Antrim; and at length, with difficulty, prevailed on the prelates to declare, by a formal instrument, that no security for life, fortune or religion, could be expected from Cromwell,

all their people, not to delude themselves with vain expectations of conditions to be obtained from that merciless enemy. And they besought the gentry, and the rest of their countrymen, for God's glory, and their own safety, to contribute, with patience, to the utmost of their power, towards the support of the war against him. They, particularly, exhorted those who were enlisted in the army, to persevere constantly in their opposition to the common enemy, as they expected the blessing of God upon their endeavours."⁷ The Marquis of Ormond, in a letter to the king, observed,⁸ "that, in this assembly there were divers speeches made, tending to the satisfaction of the people; and to incline them to obedience to his majesty, and amity among themselves, in opposition to the rebels." It must be, therefore, observed, in justice to these bishops, that it was in this letter to the king that the marquis first asked his majesty's permission to leave the kingdom, as being absolutely indefensible against the rebels, by what powers he could then command. So very distant from truth is that general assertion of our historians, that it was the refractoriness, disobedience, and even rebellious disposition of the Irish clergy, that first made him resolve upon quitting the government of Ireland at that juncture.

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⁷ Borl. Irish Rebel. fol. 290.⁸ Cart. Coll. of Orig. Pap.

Cromwell, to express their detestation of all odious distinctions and animosities between old Irish, English and Scottish royalists, and their resolution of punishing all the clergy who should be found to encourage them." Leland's Hist. vol. iii. p. 359.

"It cannot be denied (says Borlase from Clarendon) that the conclusions which were made there, seemed full of respect for the king's service, and wholesome advice and counsel to the people." Irish Rebel. fol. 293.

C H A P. VI.

Owen O'Nial submits to the peace; Inchiquin's forces revolt to the rebels.

OWEN O'Nial, who commanded an army of five thousand foot and five hundred horse, having been incensed beyond measure at the assembly's proclaiming him a traitor; and at the same time flattered by Sir Charles Coote and Colonel Monck, with hopes of a toleration of his religion, and the restitution of his estate, had entered into a treaty with the latter,^a and¹ relieved the former, when closely besieged in Derry, the only place of strength that was then in the rebels possession in the province of Ulster. But the English parliament soon after condemned his treaty with Monck, and rejected his further service.^b This

¹ Cart. Orm. vol. ii. fol. 77.

^a "Invited by Sir Charles Coote with an offer of 5000l. for that service." Cart. Orm. vol. ii. fol. 76.

Owen O'Nial was in great want of ammunition; to procure a supply, he sent Hugh M'Patrick Dubh M'Mahon to make a treaty with Monck, who readily entered into an agreement with him, engaging to supply him with the necessaries he wanted." Id. ib. fol. 73.

Monck's proposals to O'Nial were: 1st. Liberty of conscience to all his party and their issue. 2d. A competent command to O'Nial himself in the rebel army. 3d. An act of oblivion for all they had done since 1641. 4th. His party to be restored to all the lands they possessed before that time. 5th. That O'Nial be put into possession of his ancestors estate. 6th. That O'Nial shall be provided with a convenient sea-port in Ulster, and his army provided for in all points, as the rest of the army shall be." Hist. of Independency, p. 237.

^b Sir Charles Coote in a letter to the council of state in England, August 15th, 1649, informs them, "that O'Nial freely offered him his assistance, professing much affection to the parliament of England, and earnest desire to maintain their interest; that he had found O'Nial and his army very punctual and faithful in all their promises and engagements; and he made no doubt

This is commonly thought to have been the 'cause of his quitting that party, and seeking an alliance with the Marquis of Ormond,² "to whom two blanks had been sent, about that time, under his majesty's hand and seal, to be made use of in any treaty or transaction with him."

Wherefore, through the agency of colonel Daniel O'Nial, that general's nephew, whom the Marquis of Ormond sent to solicit him for that purpose, "Owen O'Nial," on the 12th of October 1649, concluded and signed an agreement, on certain conditions, with his excellency; which, though himself lived not to accomplish, dying at Cloughouter-castle, in the county of Cavan, in the beginning of December, was shortly after performed."

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Cart. Collect. of Orig. Pap. vol. ii. p. 317.

³ Cart. Orm. vol. ii.

doubt but they would continue so to the end. But after all, in the cant of the times, desires them to call to mind, that it is no new thing with the most wise God to make use of wicked instruments to bring about a good design for the advancement of his glory." Hist. of Independency, p. 245-6.

"Many were of opinion (says Borlase) that all that was done both by Sir Charles Coote and by Monck (with O'Nial) was transacted by the privity, if not consent, of the grandees in England; but the grounds to fasten this upon them could never be found, though the business hath been narrowly searched into: known it was, that there was a person sent over, and many overtures made by a priest, O'Reilly, to the committee of Derby-house, but with what reception, the certainty yet remains in the clouds." Irish Reb. fol. 276.

"There is a very different cause assigned for this accommodation of O'Nial with Ormond, in a letter from Secretary Nicholas to Ormond himself, which he says came from a very good author, Lord Brudenell. It is there expressly said, "that O'Nial had written to Cromwell to thank him for the care he had taken of himself and his army; but desired him withal to consider, that his promise (to assist him) was but conditional, as presupposing the Pope's approbation, which he could never obtain; but, on the contrary, had received a peremptory command from him, to do nothing prejudicial to the crown of England." Cart. Collect. of Orm. Orig. Papers, vol. i. p. 298.

Mr. Belling informs us,⁴ “that when the news came of Ormond’s being routed by Jones at Rathmines, O’Nial assembled the chief officers of his army and addressed them thus. “Gentlemen, to demonstrate to the world, that I value the service of my king, and the welfare of my nation, as I always did, I now forget and forgive the supreme council, and my enemies their ill practices, and all the wrongs they did me from time to time, and will now embrace that peace which I formerly rejected out of a good intent.” He sent his forces to Ormond, under Ever M’Mahon, bishop of Clogher, to whom the Marquis had given a commission to command them. “It must be acknowledged,” says Borlase, from Clarendon, “that this bishop performed and observed the conditions very justly, as he was punctual in what he promised, and applied himself with all dexterity and industry to the advancement of his majesty’s interest ; so that, during his time, he restrained the clergy from making any acts, which might discourage the people from their obedience to the king’s authority.”⁵ This bishop was afterwards taken prisoner in an engagement near Enniskillen, after having received many wounds ; and ignominiously put to death, by the positive order of Sir Charles Coote, whom, within less than a year, he had relieved when in great extremity.”⁶

The Marquis of Ormond had received frequent warnings of the infidelity of Inchiquin’s officers ; and some probable reasons for withdrawing his confidence from Inchiquin himself. His excellency, in a letter to that lord, November 16th, 1648, on occasion of the before-mentioned mutiny of these officers, told him plainly, “that⁷ he was very unwilling to have any thing to do with them ; and seemed to think that they had but delayed their design, waiting for a more hopeful opportunity to accomplish their end, which he understood to be, to betray his lordship and himself to the independents.”

The

⁴ MSS. History.

⁵ Hist. of the Irish Rebel. fol. 313.

⁶ Id. ib. fol. 312. Clarendon. Irish Rebel. ⁷ Cart. Orm. vol. iii.

The defection of these officers soon after to the parliament, to which Lord Broghill's^d treachery and artifice not a little contributed, sufficiently justified these suspicions. For in this favourable conjuncture of the accession of O'Nial's forces, the distress of Cromwell's army, and the probability there was, by the advantage of a pass, of cutting off his provisions, and of making his retreat to Dublin very difficult, without losing a good part of his men; in these circumstances, I say,^e "on a sudden, and altogether, all the considerable places in the province of Munster, as Cork, Youghall, Kinsale, Bandon-bridge, Moyallo, and other garrisons,"

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under

^e Clarend. Cart. *Lel. Hist.* vol. iii. p. 357.

^d In an engagement near Clonmell, "this Lord Broghill had taken the titular bishop of Ross prisoner, and promised to spare his life on condition that he should use his spiritual authority with the garrison of a fort adjacent to the field of battle, and prevail on them to surrender. For this purpose he was conducted to the fort; but the gallant captive, unshaken by the fear of death, exhorted the garrison to maintain their post resolutely against the enemies of their religion and country, and instantly resigned himself to execution. His enemies," adds my author, "could discover nothing in his conduct but insolence and obstinacy; for he was a papist and prelate." *Lel. Hist. of Irel.* vol. iii. p. 362-3.

Broghill's chaplain and panegyrist, Mr. Morrice, informs us, that while his lordship was engaged in a battle against the king's forces in Ireland, "orders were once given by himself to the chief commanders, to give no quarters that day to any in arms." Broghill's life prefixed to Orrery's *State Lett.*

^e "These garrisons (says Cox) by the means of Lord Broghill, &c. revolted all at once." *Hist. of Irel.* p. 12.

"Dungarvan was delivered up to Cromwell the 3d of December, 1649, where he found my Lord Broghill, who partly by his own interest, and the disaffection in the soldiers to Lord Inchiquin, had gotten in all the towns in Munster, that had formerly been under the parliament; a service most considerable, and such as was of very great advantage to Cromwell, who was now in great straits where to take up his winter quarters for his sick and distressed regiments. His army, partly by leaving garrisons in several places he had taken in, being so much weakened and impaired, so as he brought not, of all the men he carried

under Lord Inchiquin, revolted to the English parliament; and thereby gave them a safe retreat, free passage, and necessary provisions of all they wanted; as likewise harbours for their ships, to bring every thing to them they could desire. This defection, in so fatal a juncture of time, when the straits Cromwell was in by the winter, and want of provisions, had raised the spirits of men; and when they looked upon themselves as like to have at least, some hopeful encounter with him, was not (adds my author) a loss, or a blow; but a dissolution of the whole frame of their hopes and designs; and confirmed that spirit of jealousy and animosity in the army, which no dexterity nor interest, of the lord lieutenant could extinguish or allay."

This general defection of Inchiquin's forces seems to have given the first rise and occasion to the obnoxious proceedings of the congregation of bishops at Jamestown, they looking upon it, as a new and corroborating proof of Ormond's being privately connected with the English rebels. For, although his excellency had been fully apprised by the confederates,⁹ of the ill affections, and actual revolt of several of the officers of these garrisons,^f before the general treachery now mentioned; yet he readily agreed to Inchiquin's suspicious stipulation,^g "that ¹⁰ these garrisons should be entirely left

⁹ Cart. Orm. vol. ii. fol. 101-2.

¹⁰ Id. ib. vol. ii. fol. 102.

carried over with him, above five thousand horse and foot to Dungarvan." Borl. Irish Rebel. fol. 289. From Clarend.

Yet, "the above-mentioned revolting garrisons had been supplied by the Irish during the whole preceding summer, to their excessive charge." Orm. Lett. to the king. Carte's Collect. of Orig. Papers, vol. i. p. 419.

^f "To screen Inchiquin, these revolting officers seized and made prisoners of his wife and children, whom, (adds my author) not without much difficulty, he got re-delivered to him." Borl. Irish Rebel. fol. 287.

^g And Ormond's afterwards shewing particular favour and friendship to Inchiquin, was one of the causes of the people's dislike and suspicion of him. "Some of the principal persons (among the confederates) and with them some of the bishops, under

left to his own disposal ; nor could Inchiquin ever after be prevailed upon to admit any of the Irish forces, though actually in the king's service, into them."

Before the peace of 1648 was concluded, the Marquis of Ormond, in order to induce the Prince of Wales to come over to Ireland, to take upon him the command of that army, told his highness, " that in all their judgments, his speedy access was become so absolutely necessary, that there appeared little hopes that without it that army could be long contained from seeking its own security in a submission to the prevalent party in England ; but that if his highness arrived speedily, the awe of his person might confirm such as were wavering." " And not long before the marquis's return to Ireland, as lord lieutenant, about the end of September, 1648, Lord Inchiquin, by means of two of his colonels, Townshend and Derby, was said to have sent over to the committee at Derby-house, some propositions for the surrender of the towns in Munster ; upon which the committee at Derby-house, says Borlase, sent back Colonel Temple with power to treat with the Lord Inchiquin ; but before his arrival there, Sir Richard Fanshaw, the prince's secretary, was come from

Cart. Orm. vol. iii. fol. 590.

under shew of great confidence and trust, repaired to the lord lieutenant at Limerick, 1649, and declared unto him, that all that indisposition and waywardness of the people proceeded from the prejudice they had against Lord Inchiquin, who had always, they said, prosecuted the war against them with the utmost rigour and animosity, and the places and persons which had been most at his devotion, having treacherously revolted to the parliament, the people were not confident of him, and jealous that the marquis had too great a confidence in him ; so that if he would dismiss that lord, and discharge the troops that yet remained under his command, of which some frequently ran away to the parliament, not only that city (Limerick) but the whole nation, would, as one man, be at his disposal." Borl. Irish Rebel. fol. 303. From Clarendon. See what follows, ib. fol. 304. Some leading persons applied to Inchiquin to take the command on him, as being of their ancient families ; but 'tis certain that these hated both Inchiquin and Ormond, but on account of the former's family, would make choice of him as the lesser evil.

from the prince to Inchiquin, with a declaration of the prince's design to send the Duke of York into Ireland with such of the revolted ships as remained in Holland, and to let him know the hopes he had, that by his assistance and the army under his command, both he and his father might be restored. This (adds my author) so puffed up Inchiquin, that he would hear of no overtures from Derby-house, and made him absolutely disavow that he had any knowledge of the propositions sent over, though he was said with his own hand to have interlined and approved them in several places.¹²

C H A P. VII.

The Marquis of Ormond desires leave to quit the kingdom.

HIS excellency, so early as December 24th, 1649, had requested, and shortly after obtained the king's permission, "to withdraw both himself and his majesty's authority out of the kingdom, if he should see occasion." And the better to secure his retreat on all sides, from a people whose losses under him, and jealousies of him, were daily increasing, his friend² Dean Boyle, privately procured him a pass from Oliver Cromwell; which being afterwards discovered, by the ungenerous use that regicide made of it, his lordship returned it by a trumpet, with a letter informing him, that it was officiously sought for and obtained by the Dean, without either his consent or privity."

His excellency's desire to withdraw himself out of the kingdom proceeded not, as has been already hinted, from the supposed refractory and disloyal behaviour of the Irish clergy, but from his own consciousness of the people's great mistrust of him, and their consequent aversion to his government. For, as he himself justly observed

¹² Borl. Hist. of the Irish Rebel. fol. 254-5.

¹ Cart.

² Cart. Orm. vol. ii. fol. 121.

observed on that occasion,³ “these people believing themselves betrayed, would think it vain to be persuaded into action, which might render them incapable of conditions from the enemy. Or if they should be got forth, perhaps with church censures, it would be with despair, not hope of success; whilst they suspected their leader of having made conditions for himself, upon their ruin.”

Another of his reasons for desiring that permission was,⁴ “that it appeared every day more evidently than other, and would soon be visible to those of the shortest foresight, that upon any thing Ireland could afford, it would not be possible to make any resistance against the rebels; who then had the whole coast towards England, Waterford excepted, ready to receive their forces; commodious harbours for their shipping, and garrisons from whence they would immediately be in the heart of his best countries, and at the walls of his remaining towns.” After which he thus proceeds, “what thoughts of submission (to the rebels) this may produce in these people, or the greater number of them, I know not; I therefore humbly desire that your majesty would be pleased to send me your commands to withdraw myself hence.”

Nay, his excellency seemed in some measure, to apologize for these people's aversion to his government, and their desire to get rid of it; “for many of the Irish,” says he, “having promised themselves many advantages by their coming under his majesty's obedience, as the assistance of the army formerly under Lord Inchiquin's command, and the advantage of trade with the towns possessed by him; that his majesty would be able, in part, to ease them of the burden of the war, by supplies of money, arms, and ammunition; and that whilst the rebels forces were bent against them, occasion would be taken to raise some diversion in England or out of Scotland; and finding Lord Inchiquin's forces, which, to their excessive charge, they had supplied

³ Cart. Collect. of Orig. Pap. vol. ii. 450.

⁴ Id. ib. Id. ib. p. 419, 420.

supplied all the summer, now turned against them, and the towns become garrisons to their enemies, from whence to annoy them by sea and land; no supplies at all from abroad, and no diversion in England, though Cromwell and Ireton, the supposed heads of the rebels, were removed from thence; all these disappointments of their hopes, aggravated by the enforced spoil of a successful army, began to breed in them such aversion," says he, "to his majesty's authority, and to myself, to whom all their misfortunes, the negligence, cowardice, and treachery of others, are attributed, that I am told, it was in agitation with the violent party of the clergy, and others set on by Lord Antrim, to procure a protestation against my government." This letter is dated December 15, 1649, and the clergy's censure and declaration were not published till September following; so that it could be no such surprise upon his excellency, as is pretended.

C H A P. VIII.

The king is invited to go to Scotland.

ABOUT this time, the king was proclaimed in Scotland; and commissioners were sent from thence to invite him over to that kingdom; but upon such conditions, as were utterly inconsistent, not only with the dignity and good faith of a king, but even with the honour and integrity of a gentleman. "These" commissioners were the Earl of Cassels, two burgeses, and four presbyterian divines. To give the better assurances of their good intentions to his service, immediately before their coming out of Scotland, the Marquis of Huntly was put to death, for no other crime but his loyalty to the king."

The Marquis of Ormond, still in Ireland, was consulted upon this, as indeed, he was upon every other important concern of his majesty. But that he did not always deliver his opinion, with such candour and sincerity as were suitable to the confidence reposed in him, is but too apparent, from his own letters on that occasion.

* Cart. Collect. Orig. Pap. vol. i. p. 268.

occasion. In one of them to Secretary Nicholas, who, he knew, was averse to that measure, he seems to have clearly foreseen all the evils that were likely to attend it; for he tells him, that, “unless² his majesty was resolved to deliver up both himself and his people to the covenant and presbytery, he would not go to Scotland; and that the covenant was inconsistent with the peace he had concluded with the Irish, and which his majesty had confirmed.” But from what we find in a private letter of Lord Byron’s, who was then with the king at Breda, to his excellency, it appears that he secretly abetted, and promoted, that design. For Lord Byron told him,³ “that, in order to what he found was his lordship’s opinion, concerning his majesty’s conjunction with the Scots, he had contributed his best endeavours to the effecting of it; and that his majesty would begin his journey in a few days, and had commanded him (Byron) to attend him thither.” And the king himself, in a letter to the marquis, January 16th, 1649, says,⁴ “you will perceive by my public letter, that I have resolved of a treaty with my subjects of Scotland, whereunto I was principally induced by that relation which Harry Seymour made to me, from you, of the state of things in Ireland.”^a

Accordingly, his majesty, having agreed with the Scotch commissioners, left Breda, and arrived in Scotland, on the 23d of June 1650, O. S. but before they suffered him to land,⁵ they obliged him to sign both the covenants, national and solemn. And, in about two months

² Carte’s Orm. vol. iii. fol. 607.

³ Cart. Orig. Papers, vol. i. p. 333.

⁴ Ib. vol. ii. p. 423.

⁵ Sir Edward Walker’s Historic. Discours.

^a And Seymour himself, in a letter to the Marquis of Ormond of the 15th of March following, tells him, “that his arrival from Ireland was so seasonable as to interrupt the breach with the Scots, which was in a very forward way, proceeding from the misinformations of the marquis’s successes; but that his excellency’s truer informations by him, not only changed that design, but gave a dispatch in two days to Mr. Windram, the Scots commissioner, which he had in vain solicited six weeks before, without the least advance.” Cart. Collect. of Orig. Pap. vol. i. p. 365.

months after, he was prevailed upon to publish a declaration, "that he would have no enemies but the enemies of the covenant ; and that he did detest, and abhor all popery, superstition and idolatry, together with prelacy ; resolving not to tolerate, much less to allow those, in any part of his dominions, and to endeavour the extirpation thereof to the utmost of his power." And with regard to the peace lately concluded with the confederates, and confirmed by himself, he expressly pronounced it ^b null and void ; adding, " that he was convinced in his conscience of the sinfulness and unlawfulness of it, and of his allowing them (the confederates) the liberty of the popish religion ; for which he did, from his heart, desire to be deeply humbled before the Lord ; and for having sought unto such unlawful help, for the restoring of him to his throne."

What opinion one of his majesty's own secretaries had of this declaration, appears from his letter to the Marquis of Ormond, January 25th, 1650, "when I consider," says he, " this infamous declaration, which the Scots compelled the king to publish, and are still resolved to have his majesty make good (though not only all the king's party, but even strangers that have any sense of honour, or conscience, declaim against it), I cannot so much as hope, that they intend any good or safety to his majesty, whom they have so wickedly and notoriously abused." Most certain it is, that after this declaration was known in England,⁷ " many people there, who were before averse to the parliament's measures, freely and voluntarily enlisted in their armies to fight against the Scots."

C H A P.

⁶ Cart. Orig. Pap. vol. i. p. 400.

⁷ Id. ib. p. 417.

^b " Nothing could be more convenient for the congregation of prelates, (soon after assembled at James-town) and their purpose of enflaming the people, than this virulent declaration. They imputed it entirely to the representations of the Marquis of Ormond." Lel. Hist. of Irel. vol. iii. p. 376.

C H A P. IX.

The king secretly regrets this measure.

HIS majesty did not become guilty, all at once, of this open violation of the public faith.¹ “Before he left Breda he yielded thus far to the Scotch commissioners, that if a free parliament in the kingdom of Scotland should so think fitting, he would then find some way, how with honour and justice, he might make void the Irish peace. In the mean time his majesty would by no means permit that any such thing should be inserted in the body of the articles of agreement ; and it was concluded, that that business should remain in a distinct paper in the Earl of Cassell’s hands, in regard of the dishonour it might bring on the Marquis of Ormond, and his majesty’s friends in Ireland. No sooner was this done, but his majesty laboured immediately to inform Ormond of what had passed ; and Mr. Richard Weston was dispatched, on the 16th of May, from Breda, and one hundred and fifty pounds given him to defray his charges. But when his majesty came into Scotland, he found him there, alleging,² “that he was not permitted by the Scots to proceed in his journey ; at which his majesty was exceedingly troubled, but saw plainly, it was a contrivance between him (Weston), Lord Wilmot and the Scots.

“After his majesty had put to sea, the Scotch commissioners shewed him new and higher propositions from the kingdom of Scotland ; which were, that unless his majesty would immediately take the covenant, and, *in terminis*, break the peace with the Irish, he was not to be received into Scotland ; at which he was so much disgusted, that he resolved to lay aside all thoughts of going thither, upon such terms. But, overcome with the entreaties of his servants, he yielded *in terminis*, to the breach of the peace with the Irish, conditionally,

¹ Cart. Collect. Orig. Pap. vol. i. p. 391. ² Ib.

conditionally, that it should not be published, until his majesty had acquainted the Marquis of Ormond and his friends in Ireland with it."

At the same time that the Scots detained Weston in Scotland, and by that means prevented Ormond's earlier and particular knowledge of this transaction,³ "they dispatched several of their ministers to the Laggan and Clanboys in the north of Ireland;" who, doubtless, proclaimed aloud the news of the king's having consented to take the covenant,⁴ and to declare the late peace void; being assured, that nothing could more alienate the affections of the Irish from his majesty, or set them at greater variance among themselves, than such intelligence. In May, 1650, the Marquis of Ormond had⁵ "heard by reports, which he thought probable, that the king had agreed with the Scots." And he afterwards expressed his apprehension,⁵ "that great advantage was left to such as were industrious to draw the Irish from their allegiance, by infusing into them a belief, that his majesty, having taken, or approved, the covenant, they were deprived of the benefit of the peace, and left to the extirpation, which the covenant proposes, of their religion and persons."

C H A P. X.

Proceedings of the bishops at James-town.

THE confederates being now alarmed by repeated accounts of the king's having taken the covenant, not without a well grounded suspicion, that Ormond had approved of, and advised, that measure; several of their bishops assembled at James-town, in order to consult

³ Cart. Orm. vol. ii. fol. 111.

⁴ Cart. Orig. Pap.

⁵ Ib. vol. ii. fol. 442.

² The Marquis of Ormond in a letter from Ennis, 25th of June, 1650, says, "that the report of his majesty's being then agreed with his subjects of Scotland, was given out among the rebels." Cart. Orig. Pap. vol. ii. p. 433.

sult what was fit to be done on so important an emergency; where taking into consideration, the sad condition to which their nation and religion must necessarily be reduced by such an event; and mindful of a resolution they had formerly,^a with good reason, entered into, that in case of a breach or disavowal of the peace, on the part of his majesty or lord lieutenant, they would return to their original confederacy, as the likeliest means to hinder their people from closing with the parliament, “they now fell to deliberate on the most effectual way of putting that resolution in practice; and, at length, determined to recall and withdraw, on the peril of ecclesiastical censure, all those of their communion, from the Marquis of Ormond’s command.”¹ Wherefore, on the 12th of August, 1650, they drew up and signed an excommunication against all such catholics “as should enlist under, feed, help, or adhere to his excellency; or assist him with men, money, or any other supplies whatsoever.”

To this excommunication (which, though thus hastily drawn up, was not published till the 15th of the following month) a limitation was annexed,² “that the next general assembly, which was soon to meet at Loughrea, should dispose of it as they thought proper.” But that assembly not having met at the appointed time; and fresh and undoubted intelligence arriving daily, that his majesty had taken the covenant, and made void the peace, (the only security that was left them for their religion, liberty, lives and fortunes) these bishops, on the 15th of September, 1650, published their excommunication in the usual form. At the same time, they unanimously resolved, pursuant to their association-oath, still faithfully to serve the king against the regicides, and to use all the means in their power

¹ Clarend. Carte.

² Id. ib.

^a “On account of the king’s disavowal of Glamorgan’s peace, and his being prevailed on by the Scots to make void that which had been concluded with the Marquis of Ormond in 1646, by his own reiterated commands.

power to hinder their people from assisting them in any respect whatsoever. The sincerity of this resolution appears, by their including in the same censure,³ “all those unnatural patriots, and others of their own flock, that should adhere to these common enemies of God, king, and country; or should any ways help, assist, abet, or favour them, by bearing arms for, or with them; or by otherwise contributing to them, without urgent necessity.” So little foundation was there for the injurious reflection made by a late historian,⁴ “that it having been proposed to these bishops, to issue their excommunication against those who were guilty of such compliances, they had reserved this engine of theirs for more factious purposes, and could not be prevailed upon to employ it in the king’s service.”

On the very next day, however, after this excommunication was published, these bishops issued an order for suspending the effects of it in the Earl of Clanrickard’s army, which consisted chiefly of catholics, the only persons that could be affected by it. Upon which irresolution of theirs, the Marquis of Ormond failed not to observe,⁵ “that, supposing them to have proceeded on just grounds, yet their rashness was not excusable, as appears in that as they hastily denounced their excommunication on the 15th of September, so it was more wisely suspended by the same men on the 16th following.”

C H A P.

³ Append. to Walsb’s Hist. of the Remonst. f. 70.

⁴ Lel. Hist. of Irel.

⁵ Carte’s Orm.

C H A P. XI.

Ormond approved and advised the king's agreement with the Scots.

LORD Clarendon, Dr. Borlase,¹ Mr. Carte, and generally all our historians affirm, “that when the Marquis of Ormond first heard of the king’s declaration at Dumferling, he did really believe it a forgery,² contrived either by the English rebels, or the Irish congregation, to seduce the people from their loyalty and affection to his majesty.” However that might be, his lordship certainly knew long before that declaration was published (what was equally destructive to the Irish peace), that the king had agreed to take the covenant, and thereby engaged his solemn promise to endeavour the utter extirpation of these people’s religion or persons. For so² early as March 5th, 1648, we find, by a letter from himself, that “he understood the kingdom of Scotland had invited his majesty thither to be crowned; but that he was to secure religion, according to the covenant, before he was to be admitted to govern.” After which he says, “if his majesty resolves to consent to that condition, in the most rigid construction of it to himself and his subjects, I doubt not but his immediate going thither is most counsellable.”^b But he, at the same time,³ “questioned

¹ See Borl. Irish Rebel. f. 328.

² Orm. Let. to Sec. Nicholas. Cart. Orig. Pap. v. ii. p. 361.

³ Ib.

^a Dr. Leland more cautiously, and indeed, more truly says, “that Ormond affected to believe it a forgery; but that he soon received a private letter from the king, acknowledging that he had really subscribed the declaration, apologizing for this shameful transaction, as the effect of fear or force.” Hist. of Irel. vol. iii. p. 376.

^b Nay, in one of his letters on this occasion, he actually vindicates the king’s conduct in this particular: “I am much deceived,”

tioned not, but it would be considered, how inconsistent the covenant was with the peace concluded with the Irish, by virtue of the power given him; and that there would be care taken, to give that people no apprehension, that they would be broken with, which might drive them to take desperate ways for their safety." In November 1649, he declared,⁴ "that he was at no time against the treaty with Scotland; and that much less was he then." In July 1650,⁵ "he believed it then appeared, that the treaty was ended, he hoped, in an agreement with the Scots, so that," adds his lordship, "in place of arguments to dispose his majesty to an accord so necessary, as without, or besides it, I see no near hope of his restitution, I shall apply myself to the use to be made of such an accord in this kingdom" (Ireland). And then he proposes,⁶ "that himself may be fortified with some gracious declaration from his majesty, subsequent to the agreement of Scotland, in favour of all those (Irish) that had been, and still continued, loyal and affectionate to his service; and he conceived, that, without such a declaration and purpose as to those, his majesty could not
acquit

⁴ Orm. Let. to Sec. Nicholas. Cart. Orig. Pap. vol. ii. p. 415.

⁵ Id. ib. p. 436.

⁶ Append. to Walsh's Remonstrance.

deceived," says he, "if it hath not passed for the most orthodox doctrine, with those I take to be the most orthodox men, that in lawful commands (and such certainly is the defence or recovery of their just rights), we are to yield active obedience to papist, nay pagan princes, if we be their subjects; and why not as well to a presbyterian king, I know not." Carte's Orig. Pap. vol. i. f. 430.

That active obedience ought to be paid to the lawful commands of popish, presbyterian, or even pagan princes, is not denied or controverted. The only question here is, whether either popish or protestant subjects are bound to pay such obedience to the unlawful commands of any prince, who had broken the public faith, solemnly plighted to them; and who had publicly vowed, in the manner before mentioned, the utter extirpation of their religion and persons?

acquit himself with honour towards that people ; whereof," adds he, " many have perished, and more are likely to do so for their loyalty to the crown."

C H A P. XII.

The real cause of the clergy's proceedings at James-town.

AT the same time that the king's declaration^a at Dumferling was notified in form to the Irish congregation, the Marquis of Ormond proposed to make good the peace, upon certain conditions ; one of which was the revoking their excommunication. But that they refused to consent to, because, as they alleged among other reasons,^b " they understood from his lordship's letter to them on that occasion, that he had suggested matter unto his majesty for making that declaration, by which, for ought appearing unto them, the king had withdrawn his commission from him,^c and had cast away the nation, as rebels, from his protection.

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^a The king's printed declaration was received by the Marquis of Ormond, on the 13th of October, 1650, and sent to the commissioners of trust on the 24th of the same month. Walsh's Hist. of the Remonst. App. f. 123.

^b In their declaration, annexed to their excommunication, they allege, which is true, " that he had represented to his majesty, that some parts of the kingdom were disobedient, which absolutely deny any disobedience to have been then committed ; and that thereby he had procured from his majesty, a letter to withdraw his own person and the royal authority, if such disobedience was multiplied ; and so leave the people without the benefit of the peace." Borl. Irish Rebel. f. 322. from Clarend.

The bishops at James-town alleged, as a reason for not revoking their excommunication, " that they had perused the declaration which had been published in Scotland, disavowing the peace." Id. ib. f. 331. " These bishops urged the declaration in Scotland, as a ground and excuse for all their proceedings." Id. ib. f. 332.

^c In the declaration at Dumferling, the king " acknowledged his sorrow for making peace with the papists, and recalled all

tion. Nor could they understand (they said) the mystery of preserving his majesty's authority with them, or over them, in such a case; or how it could be done." They added, "that they believed, the king's authority being thus taken from them, the best remedy for hindering the people to close with the parliament, was to return to their former confederacy, as it was intended by the nation, in case of the breach of the peace, on the part of his majesty."

That the king's agreement with the Scots, and the shameful conditions of it, were early known to the Irish in general, is manifest, not only from what has been already mentioned, but also from the following instance of the insincerity of his majesty's more recent promises to them. When his majesty first took the resolution of entering into a personal treaty with the Scotch commissioners at Breda, he wrote to the marquis of Ormond, January 23d, 1649, "to assure him, that though he would endeavour to oblige that nation (the Scots), by all just and honourable concessions, to engage themselves to enter England in the spring, with a considerable army, for his service; yet he would not, either in the said treaty, or upon any other occasion whatsoever, consent to any thing that should be contrary to the agreement made with the Roman catholics of Ireland; but would fulfil and perform all grants and concessions, which he had either made or promised them, according to the full extent of that grace, he had always intended that nation; which, as he had new instances of their loyalty and affection to him, he should study rather to enlarge, than to diminish, or infringe, in the least degree." He, at the same time, desired the Marquis "to give these

¹ Cart. Orm. vol. ii. fol. 129.
all the commissions granted by him in Ireland." Cart. Orm. vol. ii. f. 131.

Hence the Earl of Clanrickard, in a letter to Lord Muskerry, confesses, "that the king, by that act (declaration) disavowed the peace with the Irish, and took away his protection from them." Clanrick. Mem. Dub. ed. p. 108.

these assurances to all the Irish Roman catholics." But this letter, it seems, did not reach his lordship till midsummer following; and "that delay," says Carte,² "brought an irreparable mischief upon the king's service; the marquis's continued ignorance of the king's condition and pleasure, disabling him to refute the malicious reports raised, and the aspersions thrown on the king, for breach of faith, and for having abandoned and given up the Irish; so that as his excellency complains in his dispatches^d by Lord Taaffe, "the venom of the forgery had wrought very near a deadly effect, before the remedy came." Thus we see, that before midsummer, 1650, the king's agreement with the Scots, and its ruinous consequences, were not only generally known in Ireland, but also had wrought an almost deadly effect upon the affections of that people towards him. And that their belief of it was founded, not on forgery or malicious reports, but on real matter of fact.

And so groundless is the pretence, that the Marquis of Ormond was surprized and puzzled at these proceedings of the bishops at James-town, as at an event, of which he was at a loss to divine the cause, that it is manifest, from a letter of his to Secretary Long, that he was fully apprised of them, and the motives that produced them, at least fourteen days before they were made public. For having mentioned, in that letter, an answer he had sent to a request of theirs, which he judged would be ill taken, he adds,³ "which

D 2 answer,

² Id. ib. ³ Cart. Collect. Orig. Pap. vol. ii. p. 443.

^d What Ormond himself says on this occasion, is, "Inasmuch as for the want of encouragement of frequent dispatches, accompanied but with chearful promises, this people took themselves to be absolutely abandoned; nor was I able to refute malicious reports raised to that effect." This letter of Ormond's is dated June 27th, 1650; and the king had consented to make void the peace with the Irish, and had signed both the covenants, national and solemn, before they suffered him to land in Scotland, which was on the 23d of that month. See Sir Edward Walker's Hist. Discours. Carte's Collect. of Orm. Papers.

answer, whether it will produce a direct declaration against me, and an excommunication of all those that shall adhere to me, or not, is more than I am certain of, though I be told it will." This letter is dated the 2d of September; and the clergy's declaration and excommunication, were not published till the 15th of that month.

C H A P. XIII.

The clergy's proceedings at James-town, disapproved of by the generality of the Irish catholics.

THESE violent proceedings of the Irish clergy, though, it must be confessed, not unprovoked,^a were far from being approved of by the generality of the catholics of Ireland. "All the sober professors of the catholic religion," says Clarendon,¹ "abhorred them; and most of the commissioners of trust, and the principal nobility, and most considerable gentry remained firm in their particular affection and duty to the king; and in their submission to the authority of his lieutenant, notwithstanding the excommunication. And not only the whole nobility and gentry of fortune and interest, some very few of the latter excepted, but also many pious and learned men of the secular and regular clergy, and even some of the bishops, did abhor and abominate the proceedings of that congregation, and the doctrine they infused into the people; the same being disowned by some of those bishops, as being obtruded upon them by the major vote; or done by their procurators, without their assent or knowledge. And even others of them, who were present at the congregation, and subscribed the excommunication,

¹ Hist. of the Irish Rebel.

^a See lords justices orders concerning Roman catholic priests, vol. i. p. 248.

tion, disclaimed their having consented to it, though they were obliged to sign it for conformity."

It hath been mentioned above, that this congregation had annexed to their censure a restriction, by which the next general assembly was empowered to dispose of it in what manner they thought proper. That assembly met, by the Marquis of Ormond's appointment at Loughrea, on the 15th of November, 1650; "it was very full, and (besides the clergy),² consisted of the principal nobility and gentry of fortune and interest in the kingdom." "The bishops there present, for the removing of those jealousies, which were occasioned by their proceedings at James-town,³ declared and protested, of their own accord, that by their excommunication and declaration, they had no other aim but the preservation of their religion and people; and that they did not purpose to make any encroachment upon his majesty's authority, or the liberty of their fellow subjects; confessing that it did not belong to their jurisdiction so to do."

When this assembly understood the Marquis of Ormond's resolution to leave the kingdom, they sent four of their members,⁴ viz. the Lords Dillon and Clanrickard, and two others, to his lordship at Kilcolgan, with an instrument bearing date the 7th of December; in which, after reciting what the bishops had protested in the assembly, concerning their excommunication and declaration, they added, "that they, the lords spiritual and temporal, and the gentry met in that assembly, conceived, that there was no better foundation or ground for their union, than the holding to and obeying his majesty's authority, to which they owed and ought to pay all dutiful obedience. And they did thereby declare and protest, that there was not any power in the lords spiritual or temporal, gentry or people, clergy or laity of the kingdom, to alter or take away his majesty's authority; they holding that to be

² Cart. Orm. vol. ii. Clarend.

³ Id. ib. fol. 139.

⁴ Borl. Hist. Irish Rebel. fol. 339. Clarend. Carte.

⁵ Id. ib.

be the chief flower of the crown, and the support of the people's liberty; and they unanimously beseeched his excellency, in his hearty desire of the nation's preservation, to leave that authority with them in some person, faithful to his majesty, and acceptable to the nation; to which person, when he should be made known to them, they would not only afford all due obedience, but would also offer, and propose the best ways and means they could devise for the conservation of his majesty's rights, and the people's liberties and interests; and for the begetting a ready obedience in all places and persons, to his majesty's authority."

In answer to this request, his excellency told them,⁶ "that he was resolved to make use speedily of the liberty the king had given him as to his own person; which he found was unacceptable to the people. Yet that, if they could propose to him any way how he could deposit the king's authority, in such a manner as that it might not be exposed to the same affronts it had received in him, and might be applied to the preserving of the people, and the recovery of the kingdom, he should readily agree to it; and he heartily wished they might receive that happiness by his absence, which they could not receive by his presence."

His excellency was⁷ resolved to trust the royal authority in no body but the Earl of Clanrickard, the only person in the kingdom fit for so high a trust; and on the 7th of December aforesaid, after he had embarked, he wrote to the assembly, "that he had left authority with his lordship, to govern the kingdom, provided their declaration were so far explained, as to give the marquis of Clanrickard full satisfaction, with regard to the expressions they made use of to declare their duty of obedience."

An instrument was hereupon drawn up, wherein⁸ the assembly declared, that neither the lords spiritual or temporal, gentry or people, clergy or laity, had power to discharge the people from that due and perfect obedience

⁶ Clarend. Carte.

⁷ Cart. Orm. vol. ii. fol. 137.

⁸ Id. ib.

obedience to his majesty's authority vested in the Marquis of Clanrickard ; and that, in case of any such act or endeavour, no persons should, or ought to be led thereby ; but that, for their disobedience, on any such grounds, they were subject to the heavy censures and penalties of the laws of the land. But to this a proviso was added, that this obedience was not intended to be paid to any person, that should be appointed chief governor, who had joined in the covenant, or should violate the articles of the peace.^b Upon this declaration, Lord Clanrickard was prevailed upon to accept the government ; ^c and Ormond departed for France.

C H A P. XIV.

The presbytery of Bangor's proceedings on the peace.

NONE censured the congregation at James-town more severely than the presbyterians in Ulster ; yet none had so little right to censure it. For that congregation only followed the example that was set them the year

^s Id. ib.

^b That proviso was expressed in these words. " And inasmuch as his majesty is at present in the hands of a presbyterian party of the Scots, who have declared themselves enemies to this nation, and vowed the extirpation of our religion, we declare, it is not hereby intended, to oblige ourselves to receive, obey, or observe any governor, that shall come unduly nominated by, or procured from his majesty, by reason of, or during his being in an unfree condition, that may raise a disturbance in the present government, established by his majesty's authority, or cause the violation of the articles of peace." Borl. Hist. of the Irish Rebel. fol. 339.

^c " The bishop of Ferns, (says Borlase) hitherto averse to the king's authority, more particularly importuned him (Clanrickard) in the name of the clergy, not to decline a charge, which could only preserve the king's power in that kingdom, and the nation from destruction, promising so entire a submission and co-operation from the whole clergy, that his authority should not be disputed." Irish Rebel. fol. 338.

year before, by the presbytery of Bangor; ^a with this difference, that the former, as we have seen, had some provocation given them, which the latter could not pretend.

For on the conclusion of the peace in 1648, the king having sent a commission to Hugh Viscount Montgomery of Ards, to command all the forces within that province, his lordship thought it necessary to signify to his majesty's subjects of Ulster his investiture with that commission, and accordingly published a declaration, July 4th, 1649, for that purpose.

A presbytery was thereupon convened at Bangor, July 7th, in which a declaration was drawn up, containing several virulent reflections on his lordship. He is therein charged, among other things, "with lifting up his hand against them; with betraying the covenant; with owning King Charles the second; with cloathing himself with a commission from him; with receiving commands from the Marquis of Ormond, and joining with malignants, who blasphemed the covenant. For this cause," said they, "as ambassadors of Christ, we beseech the people, "in his stead," not to join hands to such a course; not to join in executing such a commission,

^a See Presbyterian Loyalty, p. 256.

^a The 10,000 Scots, that were sent about the year 1642 into Ulster by the English parliament, "were possessed of Carrickfergus as their head quarters, brought over their ministers along with them, who being of the presbyterian persuasion (says my author) did associate for the exercise of discipline; and such ministers of the same persuasion as then resided in the kingdom joined with them, and founded a presbytery, which was that very presbytery who framed the declaration at Bangor in 1649. The Lord Viscount of Ards and the Lord Viscount of Claneboy, shewed an early zeal for the interest of the presbytery; for on the 19th of July, 1642, (which was but nine days after their first meeting) my Lord of Ards sent Capt. Magill to the presbytery then met at Carrickfergus, with a message to them, promising that he would join with them in discipline, and my Lord Claneboy writ them a letter, delivered the very same day, and giving the same assurance for himself, as my Lord of Ards had done by his message." Presbyterian Loyalty, p. 253.

mission, by serving either as officers or soldiers, or they shall wring the dregs of the cup, which the malignants have been drinking these many years past. We do also, in the name of Jesus Christ, warn the people of our charge from all compliance with their ungodly course, either by speaking favourably of them, acknowledging the authority of the present command under the Marquis of Ormond and the Lord of Ards; by imposing cesses for the maintenance of their unlawful power; or by obeying their orders, or paying cesses to their army, or supplying them with that which is the sinews of war, money and victuals.”^b

I have said that the presbytery at Bangor could not pretend such provocation for this outrage on the royal authority, as the congregation at James-town really had; for, by the king's having taken the covenant, the latter were threatened openly with the utter extirpation of their religion; but the presbytery were promised, and assured of the preservation, and extension of theirs. Lord Montgomery,^c who was himself a zealous presbyterian, solemnly engaged in his declaration,² “in the presence of God, that he would use his uttermost endeavours, while he was entrusted with power, to countenance and assist the exercise of their religion, as it was then practised; and likewise, that he

² Ib. p. 409.

^b In February 1649, “the general assembly of the church of Scotland had set them an example, by publishing a remonstrance wherein, “they declared, and solemnly protested, among other things, against the Lord of Ards and others having entered into a peace and association with the Marquis of Ormond, that they might the more easily carry on the old designs of the popish, prelatical and malignant party.” See Borl. Hist. of the Rebel. fol. 289.

^c “In April following, 1650, this same Lord of Ards, Lord Moor, and Colonel Trevor, came from the Irish quarters to Oliver Cromwell at Clonmell, soon after he had taken that town, to render themselves to him, being persons of great note and eminence in the kingdom, and the first of quality of the protestant party, that came from the Irish army unto them.” Borl. Hist. of the Irish Rebel. Append. fol. 22.

he would solicit his majesty, and, (as he had good grounds to hope) with success, for a confirmation under his hand." And, two days before that declaration issued,³ Lord Inchiquin⁴ wrote to the same presbytery, "that he being a well-wisher to the presbyterian government, and honoured with a public trust by his majesty, knew that his majesty was resolved, for their satisfaction, to establish the presbyterian government in them parts; and, he believed, in other parts also of the kingdom. And no man knows," adds his lordship, "whether the whole number of protestants may not agree to embrace it."

C H A P. XV.

The total defection of the protestant forces.

SHORTLY after the presbytery's declaration was published, there was such a general defection in the northern army, that the Marquis of Ormond told the king, in December 1649,¹ "that his majesty might account that province, if not wholly lost, yet in a low and desperate condition; and that he expected to be strongly invaded from thence next summer." In that letter it was, that he desired his majesty's permission to withdraw himself out of the kingdom,² "because it was unable of itself, and without powerful aids from abroad, to resist the growing power of the rebels." Yet, when his lordship did withdraw himself, some months after, he greatly encreased these rebels power, by permitting, or rather transmitting, the forces then under his immediate command to join and assist them. For, when he was

³ Presbyterian Loyalty, p. 409.

¹ Carte's Orm. vol. ii. p. 422. ² Id. ib.

⁴ Borlase says, "that amongst the presbyterians he went for a patron." Irish Rebel. fol. 243. He says also, "that the Lord of Ards (a little before this) had been chosen by the presbyterian ministers, their commander in chief, thereby possessing himself of Carrickfergus and Belfast." Ib. fol. 273.

was preparing to leave the kingdom, and had designed Lord Clanrickard for his deputy, "he permitted," says the Earl of Orrery,³ "all those worthy protestants, who, till then, had served under him, to come off to the rest of the protestants, though then headed by Ireton himself, esteeming them safer with that real regicide, so accompanied, than with those pretended antiregicides, so principled." How these (as he is pleased to call the confederates) pretended antiregicides were principled, with respect to his majesty's service, sufficiently appears from what has been already related.² Nor, indeed, was Ormond himself unconscious, that both their attachment to his majesty, and opposition to these rebels, were real and permanent. For when upon a⁴ former occasion, he solicited leave from the English parliament, to transport five thousand foot, and five hundred horsemen, together with himself, out of the kingdom into France, in order to obtain their consent, he observed,⁵ "that it would be a sure means of ridding their partizans in Ireland of many unsure friends among the king's party, as well as many certain enemies among the Irish;" and thereby facilitate the reduction of the kingdom to their obedience. Thus were many of those protestant forces, under his excellency, whom he calls the king's party, acknowledged by himself to be friends to the English rebels, though unsure, and the confederate Irish catholics to be their certain enemies.

By this great accession of forces, permitted to these real regicides, the ruin of Ireland was quickly completed. Such permission, however, was perfectly consonant to his excellency's former agreement in 1647, when he delivered up all his power and authority to the same

³ Answer to Walsh.

⁴ In the year 1647.

⁵ Cart. Orm. vol. i. fol. 603.

² "It may be (says P. Walsh) that the Earl of Orrery himself is a witness beyond all exception, that the Irish catholics were the last in the three kingdoms that laid down their arms, and gave over fighting for the royal cause." Reply to a Person of Quality, p. 50.

same party. And in fact, had any comment been wanting to explain the motives of that agreement, this permission would be a very full, and clear one; for, as the same Lord Orrery observes, and seems to appeal to Ormond himself, then lord lieutenant of Ireland, for the truth of the whole passage,⁶ “certainly, he esteemed those less ill, to whom he sent his friends, than those from whom he sent them;” and consequently, was more solicitous for the interests and success of the former, than for those of the latter; which, surely, was besides, an unpardonable imposition on his truly noble friend, the Marquis of Clanrickard; with whom in appearance, he left the government of the kingdom, but in reality, by that permission, deprived him of the means of defending and preserving it.

C H A P. XVI.

Treaty with the Duke of Lorrain.

DISTRESSED as the confederate catholics now were, and deserted by all the protestant forces of the kingdom, their fidelity and zeal for his majesty's service remained unaltered. While the general assembly was still sitting at Loughrea, very favourable offers of accommodation were sent them by the regicides, which they not only rejected, but they also prevailed on the deputy¹ to issue a proclamation, declaring all those of their communion, guilty of high treason, and punishable with death, who should aid or assist them; and such as were already with them, and did not quit their service in fourteen days, were, by the same proclamation, made liable to the same punishment.² The bishops likewise, present in that assembly, denounced excommunication against all catholics, who either served under the regicides, or entered into any treaty of pacification with them.

Yet

⁶ Orrery, ubi supra.¹ Cart. Orm. vol. ii. fol. 144.

Borl. Irish Rebel. fol. 340.

² Carte, ib.

Yet loyal as this perseverance of the Irish clergy was, (not lessened by the daily desertions of the protestant royalists, or by the increasing power and success of the regicides,) it has not hindered party-malice to suggest, that they were, even at this juncture, instilling such sentiments into the minds of their people, as were utterly incompatible with their allegiance to the king, or due submission to his lieutenant.³ “The Irish,” we are told, “had still as much of Ireland in their power, as could maintain a war against all the English rebels there; that his excellency the Marquis of Clanrickard, had argument enough to hope, if he could be confident of the union of the nation; that he might have reasonably promised himself an union of the nation, if he could have been confident of the affection and integrity of the clergy; but that the greatest part of the Irish ecclesiastics had no mind to have any relation to the English nation, and as little to return to their obedience to the crown; that it was by the advice and influence of these ecclesiastics, that the confederate catholics were first inclined to treat with the English rebels for conditions; and that afterwards, such offers were made to the Duke of Lorrain by commissioners of their choosing, as in effect transferred the whole right and sovereignty of that kingdom to his highness.”

But, besides what has been already related of the temper, and disposition of these ecclesiastics, and of the state of the nation at that dismal juncture, the whole of this charge is incontestably proved to be false, from that “state of his majesty’s affairs, and the condition of his faithful subjects in Ireland, which the Marquis of Clanrickard himself transmitted to the Marquis of Ormond, on occasion of the above-mentioned treaty with the Duke of Lorrain.”

For therein his lordship sets forth,⁴ “that the power and success of the rebels were such, as that the whole nation

³ Clarend. Borl. Irish Rebel. fol. 339.

⁴ Clanrick. Mem. Dub. ed. p. 56.

nation was in their possession,^a or subject to their contribution, except the province of Connaught, and county of Clare, his majesty's city of Limerick, and town of Galway; and that the said province of Connaught, and county of Clare were, for the most part, waste; that the inhabitants thereof were utterly impoverished; that no considerable forces could be brought together to maintain a defensive war against the rebels, much less an offensive; that the city of Limerick, and town of Galway had of a long time, out of a feeling sense they had of their own destruction, been inclined to treat for conditions with the rebels; that the same was the resolution of most of the other people of Ireland, who could not humanely see how they could be otherwise preserved; and that many of the officers of his majesty's army did, from several parts of the kingdom, represent their sense that it was absolutely necessary for the people's preservation to treat with the rebels for conditions, seeing there was no power to resist them."

From hence it is manifest, that whatever inclination these deserted Irish had to treat with the rebels, was not at all owing to the advice, or influence of their clergy; but naturally arose from that irremediable distress, to which they then found themselves reduced, and from the dismal prospect of its daily increase, until it should end in their total destruction.

"But no sooner," proceeds Lord Clanrickard,⁵ "had these Irish understood, that the Duke of Lorrain's ambassador had arrived in Ireland, with offers of powerful assistance for the preservation of the catholic religion,

⁵ Clanrick. Mem. Dub. ed. p. 56.

^a Yet Clarendon himself, in the account of his own life, contradicts all this. For he there says, "that when the success of the parliament had totally subdued the king's arms, and himself was so inhumanly murdered, neither the forces in Ireland under the king's authority, nor the Irish, who had too late submitted to it, could make any long resistance; so that Cromwell quickly dispersed them by his own expedition thither." Vol. ii. p. 14.

Cromwell invaded Ireland in August 1649, and remained there but about eight months.

religion, and of his majesty's subjects interests, than they took much comfort and encouragement thereby, hoping that the rebels power might be opposed. And soon after, the towns of Limerick and Galway, and all other places, yet in his majesty's obedience, seemed more chearfully than before, to assist his majesty's authority in opposing the rebels; and to disavow and disclaim any treaty with them, though formerly inclined, if not resolved."

Upon this change in the temper of the people, the deputy^s "authorised some of the Roman catholic prelates, and commissioners of trust, to treat with the said embassador; who being accordingly called together, with several officers of the army, after a long and serious debate, weighing the unavoidable danger the nation was in of falling into the hands of the rebels, did therefore advise, that it was absolutely necessary to accept of his said highness's protection. But the said embassador's propositions being such, as Lord Clanrickard could not consent to, the treaty and conclusion for farther supplies, were put over to be determined by his highness, or such as he should depute, and by such as should be authorised by the deputy in his majesty's behalf."

His lordship concludes with his own opinion upon the then situation of affairs, thus: "It is very evident, how great the evils are that will happen, if immediately great aids are not hastened to this nation; for the kingdom will, by the foreflowing thereof, be entirely in the enemy's power and possession, and the people universally enforced to submit unto them."

C H A P.

' Ib. ' Ib.

C H A P. XVII.

The treaty with the Duke of Lorrain considered.

IT must be confessed, that this imminent danger of the whole kingdom's falling under the power of the English rebels, did induce Sir Nicholas Plunkett and Geoffry Brown, Esq; (commissioners on that occasion appointed by Lord Clanrickard) to yield to the solicitations of some private agents of the Irish clergy, then at Brussels,^a to agree to the terms proposed by the Duke of Lorrain, rather than break off the treaty; for which the deputy severely reprimanded, and threatened to proclaim them. But even that step they did not take without previous encouragement from the Queen, the Duke of York, and the Marquis of Ormond himself.^b

“ For,

^a The Duke of Lorrain had, in the year 1645, shewn so great a propensity to assist his majesty, as appears by the queen's letter to the king from Paris, of the 27th January, 1646, that he prepared to raise ten thousand men for that purpose. But that design having been fatally disappointed at that time (see Clanric. Mem. Dub. ed. p. 41.), the Irish clergy, mindful of his highness's former generous inclinations, privately employed Dr. Nicholas French, Bishop of Ferns, and Father William Bourke, Provincial of the Dominicans, to solicit the duke for these aids, now much more wanted than at any time before. They at the same time sent Colonel Oliver Synnot to the Marquis of Ormond, to know his opinion of this negociation. What encouragement he gave them, in his letter to Lord Taaffe on that subject, to proceed in it, shall presently be seen. To the above mentioned procurators for the clergy, were afterwards added, Hugh O'Reilly, Archbishop of Armagh; Thomas Fleming, Archbishop of Dublin; Edmund Dempsey, Bishop of Leighlin; Norbert Barry, Bishop of Cork; and Francis Kirwan, Episcop. Alladenfis. Cox's Hist. part 2d. App. p. 177.

^b The fourth article of that treaty, so much censured, is, “ The Duke of Lorrain is to do nothing in derogation of the king's authority or jurisdiction in Ireland, but rather to amplify it :

“ For, their commission being accompanied with instructions for application to be made to the Queen, the Duke of York, and the Lord Lieutenant, upon their landing ; in accomplishment thereof, Lord Taaffe repaired to Paris, and presented to her Majesty, the Duke of York, and Lord Lieutenant, all the papers and instructions, which they had received concerning that treaty ; among which were the propositions agreed to and advised by the general assembly, for obtaining the protection and future succour of the kingdom ; which were in effect the same with the articles afterwards concluded with the Duke of Lorrain. And the said papers having been considered by her Majesty, the Duke of York, and Lord Lieutenant, her majesty directed her letters to Sir Nicholas Plunkett and Geoffry Brown, Esq; willing them to give credit to Lord Taaffe, in what he should relate unto them concerning that affair. By Lord Taaffe they understood, that her Majesty, the Duke of York, and Lord Lieutenant wished his highness would undergo the charge ; and that he should meet with no opposition from any of them : yet that, by any instrument under their hands, they could not consent to it, lest it might draw danger on the king’s person, being then in the power of the Scots ; and in pursuance of this letter of credence, Lord Taaffe advised, that they should proceed to a conclusion of the treaty.

The Marquis of Ormond, after having been informed by Lord Taaffe of the particulars of this transaction, wrote back to his lordship,¹ “ that, touching the business of Ireland, and the Duke of Lorrain, for ought appearing to him, there was nothing done, that were to be wished undone ; and for what remained to produce new and further supplies, it was left to the agreement that should be made with his agent, by the

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E

Marquis

¹ Clanrick. Memoirs, p. 131.² Id. ib. p. 77.

it: and having restored the kingdom and religion, to their true pristine estate, he is to resign chearfully the kingdom to the king.” Borl. Irish Rebel. fol. 351.

Marquis of Clanrickard, assisted by such as the late general assembly had appointed; who, as they were best judges of their own condition, so they had free liberty from his majesty, in case of high necessity, to endeavour their own preservation, even by receiving conditions from the rebels, which must be much more contrary to his interests, than to receive them from any other, almost upon any terms." He afterwards reminds his lordship,³ "that he had already made his application, where the king commanded he should,^c and that so he was fairly quit of the matter."^d

This

³ Clanrick. Memoirs.

^c The king himself, in a letter to Lord Clanrickard, condescended to apologize for these commissioners. For, after having told that lord, "that they excused their having consented to this treaty with the Duke of Lorrain, only by the remediless necessities they then conceived Ireland to be in, and the absolute despair they had to procure a present supply by any other means," he informs him, "that they kept both parts of the articles in their hands, till his pleasure should be known; and that they had not, in that transaction, any purpose of undutifulness or disrespect towards him, which," adds his majesty, "we are willing to believe, and graciously accept their future service; and we recommend them to your good opinion and favour, to the end, that upon their application to you, you may receive them into the same place of confidence and esteem, you have formerly had of them, and use their advice and service as heretofore." Clanrick. Mem. Dub. ed. p. 120.

And in a letter to the Duke of Lorrain himself, after the treaty was broken off, his majesty says, "he believed those offers which the commissioners made him in that treaty, proceeded rather from the smart, anguish and despair those gentlemen felt; and from the languishing and gasping condition of their miserable country, than from their want of affection and duty to him, and his interests." Ib. p. 123.

^d The king in a letter to Lord Taaffe, from Johnstone, January 2d, 1650, uses these words, relative to this treaty with the Duke of Lorrain. "The ways here for my affairs in Ireland being obstructed, I have heretofore entreated the queen to take that care upon her; and if therefore she shall direct you in any thing, you may safely follow her advice and direction, and have my consent to it." Id. ib. p. 76.

These

This is the true state of that negociation for the Duke of Lorrain's assistance and protection. But we will suppose, for a moment, the common invidious representation of it to be just, namely, "that the catholics of Ireland, when theirs and the king's forces were almost entirely reduced, invited the Duke of Lorrain over, engaging, upon his appearing among them with his forces, to deliver up the whole island into his hands, and declare him their sovereign." ^c I say, even supposing this to have been the case, let the candid and impartial judge, from the dismal situation of these catholics at that juncture of time, whether a better or more justifiable project could have been thought of.

E 2

These commissioners, in their apology observe, "that to encourage them farther, and to take off all scruples (in concluding the treaty), as well concerning the power, as the willingness of those who were next in trust to his majesty in the affairs of Ireland, Lord Taaffe shewed us two several letters; one from his majesty, intimating, that he referred the affairs of Ireland to his mother, the queen; and the other from the lord lieutenant to Lord Taaffe, approving his treaty with his highness." Id. ib. p. 134.

^c The Duke of Lorrain's proposals were: That he should be declared and acknowledged, protector of Ireland; and that some towns should be put into his hands, and garrisoned by his own troops, as security for the re-payment of the money he should expend in recovering the kingdom from the English rebels. To the latter of these proposals Lord Clanrickard and the Marquis of Ormond, principally objected; although Ormond himself, in a letter to his majesty, in the year 1649, told him, "that if money to support the Irish war against the English rebels could not be got otherwise than by giving some of his majesty's sea-towns or ports in Ireland, as caution for the re-payment of what sum his majesty could borrow, he humbly conceived that condition was not to be stuck at." Carte's Collect. of Orm. Orig. Papers, vol. ii. p. 400.

And on the 11th of February, in the same year, Secretary Nicholas wrote to the Marquis of Ormond in these words: "Your excellency, I conceive, will do well to advertise his majesty, whether there be any strong towns or places in Ireland that may be fit and conveniently engaged as caution, to such as will lend his majesty money for the recovery of Ireland." Id. ib. vol. i. p. 344.

of. “ They were then reduced to slavery ⁴ and beggary, by the English rebels ; many thousands of them murdered, and the rest deprived of their estates. So that the question will turn upon this, whether the catholics of Ireland, in this wretched situation, and in utter despair of ever seeing the monarchy restored, for the preservation of which they had suffered so much, were to be blamed for calling in a foreign prince of their own religion, who had a considerable army to support them, rather than submit to so infamous an usurper as Cromwell, or such a bloody and ignominious conventicle, as the rump-parliament ! Many protestants, both dissenters and conformists, who have been conversant in the history of those times, have freely confessed, that, considering the miserable condition the Irish were then in, they could not have thought of a braver or more virtuous attempt ; by which they might have been instruments of restoring the lawful monarch, at least, to the recovery of England and Scotland, from those betrayers, and sellers, and murderers of his royal father.”

And, indeed, his majesty's affairs were then so absolutely desperate, in every part of his dominions, that, after this treaty with the Duke of Lorrain was entirely broken off, the Marquis of Ormond himself, abhorrent as he always seemed to be, from any connection with the Irish catholics, and especially with their clergy, advised, that speedy recourse might be had to their supreme spiritual head, the Pope himself, as the only visible means of retrieving them ; which he seemed to think might be happily effected by his Holiness's mediation and influence with the other catholic princes and states. “ To come shortly,” says he in a letter to the Marquis of Clanrickard on that occasion, ⁵ “ to what I would be at, wherein you may be concerned, I conceive some one must be found, that hath power, if not with all, yet with most christian princes and states. Among the protestants there is none such ; and

⁴ Swift's Works.

⁵ Carte's Col. of Orm. Orig. Papers, vol. i. p. 461.

and among the Roman catholics, it is visible, that the Pope has most of authority and persuasion; and it shall be, without scruple, my advice, and that speedily, that fitting ministers may be sent, and apt inducements proposed, to him for his interposition with all princes and states."-----Here the sentence is left abruptly broken off, with what view, if done designedly, may be easily conjectured from the foregoing fragment.

A N
HISTORICAL AND CRITICAL
R E V I E W
O F T H E
C I V I L W A R S
I N
I R E L A N D.

B O O K IX.

C H A P. I.

*The Marquis of Clanrickard leaves Ireland, now
entirely subject to the English rebels.*

THE affairs of the confederate catholics being now
absolutely irretrievable,^a the Marquis of Clanrickard,
in

^a Borlase observing how easily and quickly (in a few months) the usurpers got possession of Ireland, adds, "such a winter's campaign, by so inconsiderable a party, against so considerable a kingdom, was never read or heard of; considering especially, that to the support of the Irish interests from January, 1649, to January, 1650, there was raised 533,564l. 10s. 11d. besides meal, beeves, wheat, winter-quarters, king's customs, excise, and enemies estates, if we may credit the relation of Mercurius Politicus." Reduct. of Irel. p. 256. Of so little avail are the greatest supplies to the most numerous army, when divisions among its members, and distrust of its principal leader, prevail in it.

in 1652, left Ireland,^b carrying with him the royal authority.¹ “And within a twelvemonth after, Mortogh O’Brien, the last of the Irish commanders, submitted to the parliament, on the usual terms of transportation;^c by the favour of which,” adds my author,² “twenty-seven thousand men had been that year sent away.” “Cromwell,” says a late historian,³ “in order to get free of his enemies, did not scruple to transport forty thousand Irish from their own country, to fill all the armies in Europe with complaints of his cruelty, and admiration of their own valour.”

This, together with the multitudes destroyed by the sword, during the war, and by famine and pestilence^d after it, caused a prodigious scarcity of people in the kingdom. But to supply that defect,⁴ Fleetwood, deputy for the parliament, invited over several colonies from

¹ Borl. Irish Rebel. ² Ib.

³ Dalrymp. Mem. of Great Brit. vol. i. part 2. p. 267.

⁴ Borl. ubi supra.

^b “The Earl of Clanrickard, finding the Irish affairs in a desperate condition, with what forces he had left, retired into the town of Carrick, where, being encompassed by our men on all sides, he submitted, and obtained liberty to transport himself with three thousand men, to any foreign country in friendship with the commonwealth, within the space of three months.” Ludlow’s Mem. vol. i. p. 418.

^c Colonel Fitzpatrick was the first (in 1652) who submitted (to the parliament’s commissioners in Ireland), on condition to be transported with his regiment, into the service of the king of Spain; which was a great blow to the Irish confederacy, who were very desirous to treat in conjunction, hoping to obtain more favourable terms, in consideration of their numbers, inasmuch that they published declarations against him, and the Irish clergy excommunicated him, and all those who joined him. Notwithstanding which Colonel O’Dwyer, commander in chief of the Irish in the counties of Waterford and Tipperary, followed his example.” Id. ib. p. 403.

“The Irish that submitted were about three thousand.” Id. ib. p. 411.

^d “In the summer of 1650, the plague so exceedingly raged in Dublin, as ’tis reported there died thereof 17000 persons.” Borl. Hist. of the Irish Rebel. f. 345.

from England; offering good conditions to such families as would settle in Ireland; whereupon great numbers of all sorts and sexes, flocked to that kingdom."

"It cannot be imagined,⁵ in how easy a method, and with what peaceable formality, that whole great kingdom was taken from the just owners and proprietors, and divided among those who had no other right to it, but that they had power to keep it. In less than two years after Lord Clanrickard left Ireland, this new government seemed to be perfectly established; infomuch that there were many buildings erected for ornament, as well as use; orderly and regular plantations of trees and fences, and enclosures raised throughout the kingdom; purchases made by one from the other, at very valuable rates; and jointures settled upon marriages; and all the conveyances and settlements executed, as in a kingdom at peace within itself, and where no doubt could be made of the validity of titles."

On the 26th of September, 1653, the English parliament declared, that the rebels in Ireland were subdued, and the rebellion ended; and thereupon proceeded to the distribution of their lands, in pursuance of the act of subscriptions 17^o Caroli. "This being notified to the government of Ireland,⁶ Lord Broghill, afterwards Earl of Orrery, proposed at a council of war of all the chief commanders for the parliament, that the whole kingdom should be surveyed, and the number of acres taken, with the quality of them; and then, that all the soldiers should bring in their demands of arrears; and so give every man, by lot, as many acres as should answer the value of his demand." "But a good and great part (says Lord Clarendon),⁷ as I remember, of the province of Munster (county of Tipperary), Cromwell had reserved to himself, as a demesne, as he called it, for the state; and in which no adventurer or soldier should demand his lot to be assigned;

⁵ Life of Clarend. vol. ii. p. 117-8.

⁶ Morrice's Life of Orrery. Life, vol. ii. p. 117.

assigned; and no doubt, intended both it and the state for the making great his own family."

This proposal was agreed to, and all Ireland being surveyed, the best land⁸ was rated only at four shillings an acre, and some only at a penny. The soldiers drew lots in what part of the kingdom their portions should be assigned them.⁹ Great abuse was committed in setting out the adventurers satisfaction for the money they had advanced, at the beginning of the war; for they had whole baronies set out to them in gross; and then they employed surveyors of their own, to make their admeasurements.¹⁰ "No men had so great shares as they who had been instruments to murder the king. What lands they were pleased to call unprofitable (which were thrown in gratis), they returned as such, let them be never so good and profitable." "The lands held by the soldiers as unprofitable, and as such returned into the surveyor's office, amounted to 605,670 acres. In this manner was the whole kingdom divided between the soldiers, and the adventurers of money."

C H A P.

* Morrice's Life of Orrery. 9 Cart. Orm. vol. ii. fol. 301.

10 Id. ib. 11 Id. ib.

* Lord Antrim's estate, consisting of 107,611 acres, was allotted to Sir John Clotworthy, afterwards Lord Massareene, and a few others, in consideration of their adventures and pay, which did not in all exceed the sum of 7000*l*. Cart. Orm. vol. ii. fol. 278.

C H A P. II.

The transplantation of the Irish into Connaught.

“CROMWELL” and his council, finding the utter extirpation of the nation, which they had intended, to be in itself very difficult, and to carry in it somewhat of horror, that made some impression upon the stone-hardness of their own hearts, after so many thousands destroyed by the sword, fire, famine, and the plague; and after so many thousands transported into foreign parts, found out the following expedient of transplantation, which they called an act of grace. There was a large tract of land, even to the half of the province of Connaught, that was separated from the rest, by a long and large river, and which, by the plague and many massacres, remained almost desolate. Into this space and circuit of land, they required all the Irish (“whom Cromwell had declared innocent of the rebellion,” says Leland,²) to retire by a certain day,¹ under the penalty of death; and all who after that

¹ Clarend. Life, vol. ii. p. 116.

² Hist. Ir. vol. iii. p. 409.

³ By a proclamation of Cromwell and his council, printed at Dublin by William Bladon, in the year 1654, “they were commanded to transplant themselves before the 1st day of March next ensuing, into the province of Connaught, and county of Clare, according to former declarations, and to address themselves to those that are there empowered for that purpose, to take out their respective assignments for lands, and proceed to build and settle themselves there, and make provision for their families; and this upon the highest penalties.” See Walsh’s Reply to a Person of Quality, p. 33.

The same contemporary writer mentions, “the rigorous execution of this proclamation, in the long imprisonment of some, the exile of others, and the death of Hethrington in the market-place of Dublin, for not obeying it, as the paper on his breast when he was executed, expressing the cause of his death, did manifest: and in the general rule so well known, which

that time, should be found in any other part of the kingdom, man, woman, or child might be killed, by any body who saw or met them. The land within this circuit, the most barren in the kingdom, was, out of the grace and mercy of the conquerors, assigned to those of the nation who were enclosed, in such proportions as might with great industry preserve their lives; and to those persons from whom they had taken great quantities of land in other provinces, they assigned greater proportions within this precinct. And that they might not be exalted with this merciful donative, it was a condition that accompanied this their accommodation, that they should all give releases of their former rights and titles to the land that was taken from them, in consideration of what was now assigned them; and so they should for ever bar themselves, and their heirs, from laying claim to their old inheritance.^b What should they do," continues my author, "they would not be permitted to go out of this precinct, to shift

which they had to force the obedience of all the Irish to that proclamation, turning them to Barbadoes, or putting them to death, expressed in plain English at Kilkenny by Colonel Axtel, in the case of Mrs. Martha Harpol." *Id. ib.* p. 148.

^b "That all the transplanted Irish (says Walsh) to a man, at least the generality of them, and hereof I am very certain, deny any kind of exchange or bargain made by them for such lands, in lieu of their own proper estates, or any release given, or disclaim made, or promise engaged to quit from thenceforth, or at any time after, their own former titles to those estates, whence they had been so forcibly removed: and likewise deny that they could, if they would, prejudice, or bind, those of their children who had, by antient or late agreement, before the wars, those very estates entailed upon them." *Id. ib.*

Yet even those unhappy gentlemen, who were thus violently driven from their own fair estates, into those barren wastes of Connaught and Clare (though after a most rigorous inquisition by the late usurpers, they were all found innocent of the rebellion), were, after the king's return, debarred by his declaration for the settlement of Ireland, from being ever restored to their estates, on pretence "that they had sued out decrees from the usurpers (which, on the highest penalty, they were compelled to do), and were bound thereby, and were not to be relieved against their own act." See his majesty's Declaration, November 1660. *Cart.Orm.* vol. ii. fol. 216.

shift for themselves elsewhere; and without this affigation, they must starve here, as many did daily die of famine."

"In this deplorable condition,³ and under this consternation, they found themselves obliged to accept, or submit to, the hardest conditions of their conquerors; and so signed such conveyances and releases as were prepared for them, that they might enjoy those lands which belonged to other men. And by this means, the plantation of Connaught, as they called it, was finished, and all the Irish nation was enclosed within that circuit;^c the rest of Ireland being left to the English. Some few estates were left to the old lords and just proprietors, who being all protestants (for no Roman catholics were admitted) had either never offended them, or had served them, or had made composition for their delinquencies, by the benefit of some articles."^d

C H A P.

³ Clarend. Life, vol. ii. p. 117.

^c Father Walsh, who was thoroughly acquainted with the affairs of these transplanted gentlemen, asserts, "that he knew some of those who had not ten pounds lands per annum assigned them in Connaught, whose proper estates at home, in their own countries, whence they had been removed, were worth a thousand a year." Reply to a Person of Quality, p. 147. "Others were transplanted that got nothing at all." Id. ib. p. 148.

^d This transplantation, grievous and shocking as it appears in this authentic description of it, has been represented by a late historian, rather as a piece of necessary and useful policy, at that time, than as an act of severity and injustice to the Irish. "Connaught, (says that writer) was reserved entirely for the Irish, under the qualifications determined by parliament. Here they were to confine themselves, and to enjoy their several proportions of land; that so the new English planters might proceed without interruption, and without that danger of degenerating, which former ages had experienced from an intercourse with the Irish; and the natives, divided by the Shannon from the other provinces, and surrounded by English garrisons, might be restrained from their old barbarous incursions." Lek. Hist. of Ir. vol. iii. p. 396.

These

C H A P. III.

High courts of justice in Ireland.

ABOUT this time, a new tribunal, under the title of an high court of justice,^a was erected, by the usurpers, in different parts of both kingdoms, for the trial of rebels and malignants, that is to say, of those who were still found faithful to the king. That which sat at Dublin, in 1652, was besides authoris'd,¹ “to hear and

¹ Borl. Irish Rebel.

“These gentlemen (says an intelligent, contemporary, and impartial writer) were thus transplanted, without cattle to stock that land, without seed to sow, or plough to manure it; without servants, without shelter, without house or cabbin to dwell in, or defend them from the wolves, or from robbers, or from heat or cold, or other injuries of the air. And the miserable Irish so transplanted, must not even in those small tracts allotted for them, within the narrow precincts of some parks in three or four counties of Connaught, and Thomond, pitch in any place, or fix their dwelling houses, or take any lands within two miles of the Shannon, four of the sea, and four of Galway, the only city within their precinct: they must not enter this town, or any other corporate or garrisoned place, without particular orders, at their peril, even of being taken by the throat.”
Walsh's Reply to a Person of Quality, p. 145.

^a In Ireland, the first high court of justice sat at Kilkenny, where the confederates had usually held their general assembly and supreme council; they were attended, and sat in very great state, with twenty-four halberdiers in good apparel for their guard, and all other officers suitable. The president of this court was one justice Donellan, an Irish native, picked out (says my author) for the greater terror of the delinquents; to whom, as assistants, were joined justice Cook, the infamous solicitor against the late king, and commissary-general Reynolds. These judges would have most wickedly, and by all abominable artifices, of soothing and threatening, tempted their prisoners to accuse the late king as a principal in the Irish insurrection, “but found not, by all their scelerate practices, what they sought for.” Brief Chronicle of the Civil Wars, &c. p. 616.

and determine, all massacres and murders, done or committed since the first day of October 1641; that is to say, the actors, contrivers, promoters, abettors, aiders, and assisters of any of the said massacres or murders, or killing after quarter given." From the iniquitous and bloody sentences frequently pronounced in these courts, they were commonly called Cromwell's slaughter-houses; "for no articles were pleadable in them: and against a charge of things said to be done twelve years before, little or no defence could be made; and the cry that was made of blood, aggravated with expressions of so much horror, and the no less daunting aspect of the court, quite confounded the amazed prisoners, so that they came like sheep to the slaughter."

And indeed, what else could be expected at a time when all distinctions of right and wrong were confounded, and lost in those of power and impotence; "when the noblest acts of loyalty (says the Marquis of Ormond himself) received the judgment due to the foulest treason, due to the unrighteous judges that pronounced it, without authority in the persons, or justice in the sentence; when the benches were crowded and oppressed, with the throng and wicked weight of those that ought rather to have stood manacled at the bar; when such was the bold contempt, not only of the essentials, but also of the very formalities of justice, that they gave no reason for taking away men's estates, but that they were Irish papists; when all men were liable to the entanglements of two-edged oaths, from the conflicts raised by them in men's breasts, between conscience and conveniency; between the prostitution of their consciences, and the ruin of their fortunes; than which an harder and more tyrannical choice could not be obtruded on christians. For here the election was not, swear thus against your conscience, or you shall have no part in the civil government, no office in the army,

² Hist. of Independency.

³ Ormond's Speech to Parliament. Borl. Irish Rebel.

army,^b or benefice in the church; but swear thus, or you shall have no house to put your head in, no bread to sustain yourselves, your wives, and your children."

In the same year (1652) the parliament commissioners at Dublin, published a proclamation, signed Charles Fleetwood, Edmund Ludlow, and John Jones; printed by William Bladen; wherein the act of the 27th of Elizabeth was made of force in Ireland, and ordered to be most strictly put in execution. By this act, "every Romish priest, so found, was deemed guilty of rebellion, and sentenced to be hanged until he was half dead; then to have his head taken off, and his body cut in quarters; his bowels to be drawn out and burnt; and his head fixed upon a pole in some public place." The punishment of those who entertained a priest, was, by the same act, confiscation of their goods and chattels, and the ignominious death of the gallows. This edict was renewed the same year, with the additional cruelty of making even the private exercise of the Roman catholic religion, a capital crime. And again repeated in 1657, with the same penalty, of confiscation and death to all those who knowing where a priest was hid, did not make discovery to the government. Of the strict execution of these barbarous edicts, many shocking examples were daily seen among these unhappy people, insomuch, that to use the words of a contemporary writer and eye witness, "neither the Israelites were more cruelly persecuted by Pharaoh, nor the innocent infants by Herod, nor the Christians by Nero, or any of the other pagan tyrants, than were the Roman catholics of Ireland, at that fatal juncture, by these savage commissioners."⁴

The same price (five pounds sterling) was set by these commissioners on the head of a Romish priest, and on that of a wolf; the number of which latter was

⁴ Morriffon. Thren. p. 14.

^b Is not this the case, at this day, of the Irish catholics, with respect to the operations of the present popery-laws?

was then very considerable in Ireland; and although the profession or character of a Romish priest could not, one would think, be so clearly ascertained, as the species of a wolf, by the meer inspection of their heads thus severed from their bodies, yet he bare attestation of the beheaders was, in both cases, equally credited and rewarded by these commissioners. So inveterate was their malice and hatred to that order of men!

Many instances might be produced of the barbarous iniquity of the courts of justice; but I shall mention only one, which was exhibited at the trial of Sir Phelim O'Nial, in February 1652, when an infamous attempt was made by his judges to blacken the memory of their deceased king, with the same mock-appearance of justice, though not with the same success with which their masters in England had lately murdered his royal person.

Sir Phelim O'Nial, one of the principal leaders in the insurrection of 1641, conscious that nothing would more effectually induce the Irish to join in his designs, than their belief that they were approved of and authorised by the king, counterfeited his majesty's commission for that purpose; and having surprised the castle of Charlemount, he there found an old patent, the seal of which he ordered to be torn off, and affixed to that commission. The Irish insurgents believed the authority real, and, therefore, entered heartily into his measures. The English rebels, for a while, either believed, or pretended to believe, the same; and from thence had taken occasion to heap infinite reproaches on the king, who thereby lost the affections of many of his otherwise well-disposed subjects.

* Such was the indiscriminate and glaring injustice of these courts, that, although in different parts of Ireland, they contrived to condemn about two hundred persons, as guilty of murder, on forged, corrupt, or no evidence; "yet in the northern province, which had been the great scene of barbarity, not one was brought to justice but Sir Phelim O'Nial." *Lel. Hist.* vol. iii. p. 394.

jects.^d Thus the same credulity, real or affected, of these two contending parties, by increasing their numbers, equally answered their different purposes. But the motives, by which it operated in each, were very different; that of the insurgents being an honest, though misguided, intention of serving his majesty against a factious and disloyal administration; and that of the others, an avowed design to carry on and foment the rebellion against him.

But the regicides, having now gotten into their hands the known author of the forgery, and imagining that he would not hesitate to accept of any conditions that might extricate him from his present dangerous situation, expected to be able to convince the world, by his own testimony, that he had levied and carried on that war, by a real commission from his majesty; hoping, by that means, to wipe away, or at least extenuate, their own guilt, in the late king's murder; as if they had only by that act, rid the world of the author and abettor of a rebellion, which they every where represented as most odious and detestable. Full of these hopes, they privately offered him his pardon, and the restitution of his estate,^e if he would make public confession and proof, of the genuineness and authenticity of this commission; but they being answered, "that it was impossible for him to do so," resolved to try what the terror of their high court of justice would do; and therefore brought him to his trial,^f where his judges publicly repeated the same

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tempting

^f Nalson's Historic. Collect.

^d "By this artifice (says a contemporary writer) they murdered the king in the hearts of his subjects, by stifling therein all sentiments of respect and duty, long before they brought him to the block." Sale and Settlement, &c.

^e "He had been frequently solicited thereunto by fair promises and great rewards, while he was in prison." Carte's Orm. vol. ii. fol. 181. "Sir Richard Kennedy, made baron of the exchequer of Ireland by king Charles II. who attended Sir Phelim in prison, as his counsel, used frequently to mention this as told him there by Sir Phelim, with great detestation of the offer." Id. ib. Note.

tempting offer, and enforced it with shameless importunity; but he persisting resolutely in his denial of the fact, his sentence was deferred till the next day; and then again, for the same reason, postponed to the third, in order, as his judges told him,^f to give him time to reflect on their friendly proposal. But Sir Phelim still acquitting his majesty of having any hand in that commission, and even calling witnesses to prove, that he had himself fixed the seal to it in the manner before-mentioned, sentence of death was pronounced against him. But even then they did not cease to tempt him; for at the very place of execution, and after he had mounted the ladder, Ludlow sent him an offer of his life, and estate, if he would then accuse his majesty of having given him that commission. But he calmly answered, "I thank the lieutenant general for his intended mercy; but I declare, good people, before God and his angels, and all you that hear me, that I never had any commission from the king,^g for what I have done, in levying and prosecuting this war." More of his speech, says Dean Ker,^h who was present at both his trial and execution, "I could not hear, the guards beating off those that stood near the place of execution."

Dr. Sheridan, the deprived bishop of Kilmore, told Mr. Carte, May 20th, 1711, that he was present at the execution of Sir Phelim O'Nial in Ireland, for being the chief actor in the Irish massacre; and that Colonel Hewson coming towards the ladder, Sir Phelim made his public acknowledgments to him in a grateful manner, for the civil treatment he had met with during the whole

^h Nalson's Historic. Collect.

^f "His trial (says Mr. Carte) was drawn out into a length of several days, in hopes that the criminal might in that time be wrought upon to save his life, by blackening the memory of the late king." *Orm.* vol. ii. fol. 181.

^g "Lord Macguire, also, who was privy to all the transactions of the insurgents, denied it to the last (in 1644), with more sense of conscience, (saith his majesty in his answer to the parliament's two last papers concerning Ireland,) than they who examined him expected." *Borl. Irish Rebel.* fol. 45.

whole course of his imprisonment; and only wished that his life had been taken from him in a more honourable manner. To this Colonel Hewson answered, that he might save his life if he pleased, only by declaring at that present to the people, that his first taking arms was by virtue of a commission under the broad seal of King Charles the first: but Sir Phelim replied, that he would not save his life by so base a lye, by doing so great an injury to that prince. 'Tis true, he said, that he might the better persuade the people to come unto him, he took off an old seal from an old deed, and clapt it to a commission that he had forged, and so persuaded the people that what he did was by the king's authority, but he never really had any commission from the king. This, adds Mr. Carte, the bishop told me, he heard him say."⁷

Sir Phelim O'Nial is never mentioned in any history of this insurrection, but as a monster of cruelty, perfidy, and rebellion. I mean not to represent him as quite innocent in any of these respects; but I am inclined to think, that these charges have been greatly aggravated in his particular; (for, says Mr. Carte, "he had not the character of being an ill-natured man;"⁸) as we find, they have certainly been, with regard to his associates in this war.⁹ At his trial he fervently declared, "that divers outrages committed by his officers and soldiers, though contrary to his intention, pressed his conscience very much."^h And indeed, his

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whole

⁷ Macpherson's Hist. Great Britain, vol. iil. p. 280.

⁸ Cart. Orm. vol. i. p. 176. ⁹ Ib. Carte.

^h "He declared, that his conscience was already oppressed by the outrages of his followers, and that he could not add to the severity of his present feelings by an unjust calumny of the king. Even at his execution, he was again tempted, and returned the answer above-mentioned aloud." *Lel. Hist. of Irel.* vol. iil. p. 395.

"He is generally accused of having given orders for the killing Lord Caulfield, on seizing his castle of Charlemount; but he was on the contrary, so highly provoked at that villainy, committed by some of his brutal followers, that in February, 1642, having

whole conduct on this melancholy occasion, seems to ascertain the sincerity of that declaration. In this charitable light, I am apt to consider that unfortunate gentleman, with respect to his past life; but when I compare his behaviour in this last scene of it, with that of his judges, I am at a loss to determine, which should be deemed greatest, the heroism of the former, or the villainy of the latter."¹

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having discovered six of the murderers, he ordered them to be first hanged, and afterwards beheaded." MSS. Irish Jour. written by his chaplain.

He appears to have been apprehended by Lord Charlemont's successor, who applied to the house of commons, in 1662, for a reward for taking him, "consideration being had of the great sufferings of the Lord Caulfield and his family, and of the great service by him performed in apprehending Sir Phelim O'Nial, and bringing him to justice, as also regard being had to a reward promised by the lords justices in the time of his late majesty, to such persons as should bring the head of the said Sir Phelim." (1000l.) Borl. f. 84.

"Resolved, it should be reported to the house as their opinion, that the said Lord Caulfield, who brought the said Sir Phelim to justice, shall be considered for that his service, out of the uses intended to be satisfied out of the money intended to be raised by bill." Com. Jour. vol. ii. f. 22.

¹ Notwithstanding the confessed truth of the above relation of the trial and execution of Sir Phelim O'Nial, a late learned historian censures Mr. Carte, as rather uncharitable for saying, "that they would have pardoned and rewarded him, if he had been profligate enough to have falsely accused the late king." And he even asserts on this occasion, that Sir Phelim "was not tempted to accuse the king: and that his pardon was not promised on any such condition, but that he was to purchase it by producing a material and authentic proof of his guilt." Lel. Hist. of Irel. vol. ii. p. 395.

Now I cannot comprehend, what, or whose guilt is here to be understood. Sir Phelim O'Nial had already confessed himself guilty of the insurrection, but still denied that the king had given him a commission for commencing it. It is not to be supposed that they would have pardoned and rewarded him, for producing material and authentic proof of that guilt, which he had already confessed; it therefore remains, that they wanted him to confess, and produce proof of the king's guilt in granting him the commission in question, which he could not do, because

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Henry Cromwell's administration in Ireland.

HAD Henry Cromwell, second son to Oliver Cromwell, been placed earlier in the government of Ireland; or when he was so placed, had he been suffered to follow the bent of his own humane disposition, the Irish of that period would have had much fewer and less grievous causes of complaint than were then given them; for to his favourable representation and influence it was entirely owing, that the protector's council did not add new grievances, and oppressions, to those they already suffered. His letters in Thurloe's collection shew his abilities and skill in governing. As chancellor

¹ Bate's Elenchus Motuum Nuperor. in Anglia, part ii. p. 57.

because no such commission had been granted. And it is sufficiently evident, from all the circumstances of his trial and execution, that had he been profligate enough to yield to their importunity, by producing any proof, however immaterial and unauthentic, or even by simply avowing that calumny in any public manner, it would have gone very far towards contenting them. Dean Ker, who was present, testifies expressly, "that on the second day of his trial, some of the judges told him, that if he could produce any material proof, that he had such a commission from Charles Stewart (for so they called his late majesty,) to declare and prove it, before sentence of death was passed against him, and that the said Sir Phelim should be restored to his estate and liberty." See Nals. Collect. Cart. Orm.

"Doctor William Sheridan, formerly bishop of Kildare," says Mr. Carte, "and the late Mr. Locke, a very worthy man, and member of parliament, were present at the same time; and have, to many gentlemen now living, confirmed the truth of Dean Ker's relation." Life of Orm. vol. ii.

^a "The assessments which the Irish paid were above a fourth as much as those of all England and Wales; which, he told his father, in one of his letters, was ten times more than in due proportion they ought to be; and that they paid incomparably more other charges, owing to the devastations in the civil war, than any other of the three nations." Warn. Irish Rebel. p. 567.

lor of Trinity College, he took that seminary into his particular care and patronage, instituting anew all the literary exercifes, together with the long neglected degrees in arts, and the feveral professorships; and prefented the college with Primate Usher's noble library, which he had purchafed with his own money. He was eafy of access, and affable to all; often entertaining at his table, even fequestered perfons, and remitting to them one half of thofe large fums with which they were taxed for their loyalty. Far from being maddened with the enthufiasm of the times, he reftored religion to fome fort of decency; gave back fome churches, which were occupied by the Anabaptifts, to the former incumbents; and even had a newborn child of his own publicly baptized in the cathedral of Dublin, a ceremony not feen there of a long time before."

Had he been endowed with fortitude equal to his juftice and benevolence, his government would have been fignalized by an act, that would have made fome atonement for his father's ufurpation, and parricide. He once ² promifed to declare for the king; the city of Dublin had undertaken to ftand by him, and the Lord of Ards engaged to draw twenty thoufand men together in the North, in fupport of that design; but, upon the receipt of letters from England, the very next day after he had made the promife, his fpirits failed him. The king's friends in Dublin juftly complained on that occafion,³ "that no commiffions had been fent them, nor any perfons appointed to command them in fuch an attempt. If thefe precautions had been ufed, they could have eafily, at that juncture, feized upon the caftle."

Of his integrity and difintereftednefs, he gave many fignal proofs, during his adminiftration; but none fo fignal, or indeed fo unprecedented, as that which appeared at the conclufion of it. "For upon his ⁴ recall from Ireland, although he had held the government of

² Sir Ed. Hyde's Lett. to the Marquis of Orm. Cart. Coll. vol. ii. p. 242.

³ Id. ib.

⁴ Warn. Irish Rebel.

of that kingdom four years, he was not master of money enough, after all, to carry him back to England; and was, therefore, under the necessity to crave some from thence for that purpose."

What pity it was, that such a man as this, should be placed at the head of a nation, without any other power but merely that of executing designs planned for its destruction in another kingdom! To enforce ordinances, by which those who dared to profess the religion of their consciences,⁵ or had not manifested their constant good affections to the usurpation; and also the constant good affections of those ancestors from whom any estates descended to them, and had not already proved the same, and obtained judgment thereof, were adjudged rebels convicted, attainted of high treason, and to have forfeited all their honours, estates and preferments. With what regret must such a chief governor have beheld those numerous rapines, and murders,^b that were

⁵ Hughes's Abridgment, p. 33.

^b In those days, the name of Irishman and rebel was thought to signify the same thing. For whenever the Cromwellians met any of the poor country people abroad, or discovered them lurking from their fury in dens and caverns, they killed them on the spot, if some unusual or whimsical circumstance did not happen to save them. Thus Ludlow tells us, "that being on his march, an advanced party found two of the rebels; one of whom, says he, was killed by the guard before I came up; the other was saved, and being brought before me, I asked him, if he had a mind to be hanged? And he only answered, if you please. So insensibly stupid, adds he, were many of these poor creatures." Mem. vol. i. At another time he tells us, he found some poor people retired within a hollow rock; "which," he says, "was so thick that he thought it impossible to dig it down upon them, and therefore resolved to reduce them by smother. After some of his men had spent most part of the day in endeavouring to smother those within by fire placed at the mouth of the cave, they withdrew the fire; and the next morning supposing the Irish to be made incapable of resistance by the smother, some of them crawled into the rock; but one of the Irish, with a pistol, shot the first of his men, by which he found the smother had not taken the designed effect; because though a great smother went into

were daily committed by his soldiers on that miserable people, not only with impunity, but even by his own constrained order, or connivance. But injustice and cruelty had then the sanction of law; and, in so dismal a conjuncture, it is not, perhaps, less meritorious to employ power to prevent the increase of evil (as he often did his) than it is, in better and more equitable times, to exert its authority and influence for the promotion of actual good.^c

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into the cavity of the rock, yet it came out again at other crevices; upon which he ordered those places to be closely stopped, and another smoak to be made; and the fire was continued till about midnight; and then taken away, that the place might be cool enough for his men to enter the next morning; at which time they went in armed with back, breast, and head-piece, found the man, who had fired the pistol dead; and put about fifteen to the sword; but brought four or five out alive, with priests robes, a crucifix, chalice, and other furniture of that kind (but no arms.) Those, within," says he, "preserved themselves by laying their heads close to a water, that ran through the rock. We found two rooms in the place, one of which was large enough to turn a pike." Such were the enemies whose lives these gallant regicides were incessantly hunting after. A score of despoiled people, lurking in caverns from the fury of their pursuers, and furnished but with one pistol to guard the entrance of their hiding place! From the character of these barbarians, we may well believe (though Ludlow does not mention it) that those four or five wretches, whom they brought alive out of the rock, soon after met with the fate of their companions.

^c It is affirmed, that the Dutchess of Ormond, after the restoration, begged the king on her knees, that Henry Cromwell might enjoy the estate given to him in Ireland by his father during his protectorship; which was granted, because Oliver had given her possession of three thousand pounds a year for her jointure, out of her own estate. Unkind Deserter, p. 139.

C H A P. V.

Contrivances of Sir Charles Coote and Lord Broghill.

“THE king’s interest had been so totally extinguished in Ireland, for many years past, that there was no person of any consideration there, who pretended to revive it. At the death of Cromwell, and at the deposition of his son Richard, Henry Cromwell was invested with the full authority in Ireland; the two presidents of Munster and Connaught, were Lord Broghill and Sir Charles Coote, both equally depending on the lord lieutenant; and they the more depended upon him, and courted his protection, by their not loving one another, though still agreeing in a long aversion to the king, by multiplications of guilt. Amidst the many succeeding changes in the government, the two presidents remained in their several provinces, with full power; either because they had not deserved to be suspected, or because they could not be easily removed.” Some suspicion, however, there was of Lord Broghill, which he took uncommon pains to remove; for, but a few months before the king was restored, he wrote to Secretary Thurloe,² “that he had heard, he and his friends were misrepresented in England, as persons, that intended to set up for themselves, and to make Ireland a back door to let Charles Stewart into England; and thereby, at one blow, to cut up by the roots the precious rights they had been so long contending for. But he professed, that he knew nothing further from the thoughts of all his acquaintance and friends; for that interest, as well as duty, would keep them from so ruinous a wickedness.”^a

In

¹ Clarend. Life, vol. ii. p. 107. ² War. Hist. Ir. Reb.

^a Broghill’s biographer, panegyrist and chaplain, tells us, that at a council of the usurpers in the time of Richard Cromwell,

In the confusion that now arose, from different revolutions in the state, Sir Charles Coote took an opportunity to send an express to the king, with a tender of his obedience, and with great cautions, as to the time of appearing; only desiring,³ “to have such commissions in his hands, as might be applied to his majesty’s service in a proper conjuncture; which were sent to him, and never made use of by him. He expressed great jealousy of Broghill, and unwillingness that he should know of his engagement. Coote found assistance to seize upon the castle of Dublin, and the persons of those that were in authority, who were imprisoned by him; and the government was settled in such a manner, as was thought most agreeable to the presbyterian humour; until, upon the king’s restoration, General Monck was declared lord lieutenant of Ireland; soon after which, the king was proclaimed at Dublin, and in every other part of the kingdom.”^b

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³ Clarend. ubi supra.

well, “he offered a test to purge the army, which was, that all should be turned out of it who would not swear to defend the government as it was then established under the protector and parliament.” Morrice’s Mem. prefixed to Orrery’s State Letters, p. 56.

^b But even after the king was proclaimed, “the pulpits, filled with Scots covenanters, rang with nothing but warm exhortations to stand by the covenant, even unto blood, virulent invectives against the bishops and vehement harangues against episcopacy and liturgies. These were the only subjects of their preachings for four months together.” Cart. Orm. vol. ii. f. 208. “It was by the underhand encouragement of some great men (who did not care to declare themselves openly) that the sectaries grew so bold at this time, as to petition against bishops, and so refractory as to insult the laws, which obliged them to conformity.” Id. ib. f. 210.

C H A P. VI.

Commissioners sent from Ireland; their characters and designs.

AS soon as the king was proclaimed, Sir Charles Coote and his associates sent ¹ commissioners to his majesty, whom they called commissioners from the state; and a present of money from the same, accompanied with all those professions of duty, which could be expected from the best of subjects.

These commissioners were the Lord Broghill, Sir Audley Mervin, Sir John Clotworthy, and several other persons of quality, much the greater number whereof² “had been always notorious for the disservice they had done the king. All these commissioners from the state had instructions, to which they were to conform, in desiring nothing from the king, but the settling of his own authority amongst them, the ordering the army, the reviving the execution of the laws, and settling the courts of justice, and such other particulars, as purely related to the public; and their public addresses were to this, and no other purpose. But then,³ to their private friends, and such as they desired to make their friends, most of them had many pretences of merit, and many expedients by which the king might reward them, and out of which they might be able liberally to gratify their patrons. And by these means, all who served the king were furnished with suits enough to make their fortunes, in which they presently engaged themselves, with very troublesome importunity to the king himself, and all others, who, they thought, had credit, or power to advance their desires.”

Lord⁴ Broghill appeared so very generous, and to be without the least pretence to any advantage to himself, that he quickly got himself believed; and having
free

¹ Clarendon's Life.² Id. ib.³ Id. ib.⁴ Ib. vol. ii. p. 110.

free access to the king, by mingling apologies for what he had done, with promises of what he would do, he made himself so acceptable to his majesty, that he heard him willingly, because he made all things easy to be done and compassed; and gave such assurances to the bed-chamber men, to help them to good fortunes in Ireland, which they had reason to despair of in England, that he wanted not their testimony on all occasions, nor their defence and vindication, when any thing was reflected upon to his disadvantage or reproach."

The ground-work of the before-mentioned expedients, proposed by these commissioners for the public service of the kingdom, was^s the calling a new parliament, consisting only of protestant peers, and commoners; a general pardon, and indemnity to all the protestants; and that nothing should be done to the prejudice of the adventurers or soldiers; or towards qualifying the Irish for recovering possession of their estates.

C H A P. VII.

The Irish catholics excluded out of the general act of oblivion.

IT was apprehended that the act of oblivion, and general pardon, which the English parliament had been drawing up to be presented to the king at his landing, might be so extensive as to comprehend the Roman catholics of Ireland.¹ To prevent this, other agents were sent over by persons concerned in the new purchases; all these attended the house of commons, suggesting continually, that they never could be secure in any parliament, that could be called in Ireland, if it did not exclude out of that act of general indemnity, all persons who had any hand in the rebellion; under which notion, they comprehended promiscuously all those

^s Carte's Orm. vol. ii.

¹ Id. ib. f. 205.

those of the Roman catholic religion, who had been sequestered or in arms.

Reports also were industriously spread by these agents that the Irish were ready to rise into a new rebellion. But this was a thing ² impossible to be conceived by any body that knew the miserable condition of these people.³ There were, indeed, some persons, who had been deprived of their estates, so transported with the thoughts of regaining them upon the king's being proclaimed, that they endeavoured to take possession of them immediately, without having recourse to those methods which the law prescribes, in case of being unlawfully dis-seized. These were chiefly of those Irish gentlemen, who had been found innocent,⁴ when in Cromwell's time, inquisition was made into the guilt of persons concerned in the rebellion; and who were afterwards by him forced to quit their ancient estates, and accept of other lands in Connaught or Clare in lieu thereof. They had suffered grievously in the exchange, and having been transplanted by an usurped power, easily imagined, they might warrantably re-enter upon their former possessions, and eject the intruders, as all in England did, whose estates had been taken from them⁵ by the usurpers. Hence arose several riots and disturbances, which the convention at Dublin taking hold of, published on May the 20th, a declaration for preserving the peace, and quieting possessions; and the severe laws and ordinances lately made by the usurpers against the Irish, were hereupon put in execution. They were not allowed to go from one province to another, to transact their business; abundance of the estated men were imprisoned, all their letters to and from Dublin intercepted, and the gentry forbid to meet, and thereby deprived of the means of agreeing upon agents to take care of their interests, and of an opportunity to represent their grievances."

C H A P.

² Id. ib. f. 205.

³ Id. ib.

⁴ Id. ib. f. 206.

⁵ Id. ib. vol. ii. f. 398.

C H A P. VIII.

A proclamation published against the Irish.

THE members of both houses of the English parliament thus closely solicited by the convention agents, and too apt of themselves to believe the worst things that could be suggested concerning these people, joined in a representation to his majesty, as soon as he came to London,¹ “that many of the natives of Ireland, who had been deeply guilty of the late rebellion, had broke out of late into new acts of force and violence, some of them robbing, despoiling, and murdering several of the protestants there planted, and others by force entering upon, and disquieting the possessions of the adventurers, and soldiers, to the great and manifest disturbance of the English plantation; and they desired that a proclamation might be issued to repress these attempts.”

The king accordingly, on the 3d of June, 1660, issued a proclamation, wherein,² taking notice, by the information of the lords and commons, that many of the natives of Ireland had broken out into the above-mentioned acts of violence, and bloodshed, “did, by the advice of said lords and commons, hold it his duty to God, and the whole protestant interest, to command, publish and declare, that all Irish rebels, other than such as by articles had liberty to reside in his dominions, and had not forfeited the benefit thereof, that should resort to England, or Ireland, should be forthwith apprehended, and proceeded against as rebels and traitors; and that the adventurers, soldiers and others, who were on the 1st of January last past, in possession of any of the manors, castles, houses, or lands of any of the said Irish rebels, should not be disturbed in their possessions, till either legally evicted by due course of law, or till his majesty,

¹ Cart. Borlase.² Id. ib.

majesty, by the advice of parliament, had taken further order therein."

This proclamation was not more injurious to many of the loyal Irish, whom it caused to be imprisoned, or driven out of both kingdoms, than it was fortunate to all those, whom the late usurpers had left masters of their estates. For, by being thus preserved in the enjoyment of the freeholds, they were enabled to chuse representatives to their mind, in the ensuing parliament, who, they knew, would confirm and perpetuate their unjust possessions.

C H A P. IX.

The Irish parliament.

LORD Chancellor Eustace, Lord Broghill, now Earl of Orrery, and Sir Charles Coote,^a now also Earl of Montrath,

^a "These two (new) earls," says Clarendon, "had been eminently against the king; but upon this turn, when all other powers were down, were eminently for him. But the king had not then power to chuse any against whom some as material objections might not be made. With them there were too many others, upon whom honours were conferred; upon some, that they might do no harm, who were thereby enabled to do the more." *Clar. Life*, vol. ii. p. 219.

Yet some writers weakly contend, that Orrery was all along, even while he served Cromwell, eminently, though secretly for him. Among the rest his biographer, Morrice, draws a ridiculous inference of such loyal intention in his lordship, from some of the worst and most obnoxious circumstances of his conduct, when most intimately connected with that usurper. "When Lord Orrery," says he, "had given his word to be faithful to Cromwell, it would have been dishonourable in him not to keep it. He served the protector while he lived, honestly, disinterestedly, and zealously, and still with a view of bringing back the king; of which the design of marrying his majesty to Cromwell's daughter, was a strong instance, and from the same motive did his lordship endeavour to persuade Cromwell to accept the title of king." *Mem. of E. Orrery*, prefixed to his *Lett.* p. 98.

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Montrath, were appointed lords justices of Ireland. They had procured instructions to be sent them from England,¹ “to tender the oaths of allegiance and supremacy, to all his majesty’s subjects; to proceed according to law against those that should refuse them; and to prepare such bills, as by them and the privy council (which was then likewise appointed) should be thought to be for the good of the people, in order to a parliament.

That parliament met on the 8th of May, 1661. The house of commons consisted of two hundred and sixty members, of which number, all but sixty-four were burgessees.^b And ² Cromwell having filled all the corporations

¹ Cart. Orm. vol. ii. f. 212.

² Id. Ib.

The editor of Orrery’s letters (the late Earl of Orrery) pretends, that his predecessor “proposed this match between the king and the protector’s daughter, with a remote hope that such an alliance might at length bring about a restoration.” But how remote, or rather impossible must such hope have been, when the same Orrery endeavoured to persuade the protector himself to accept the title of king? Or perhaps his lordship meant it to be remote in this sense, that after King Oliver’s decease, King Charles was to succeed the throne, in virtue of this marriage.

^b “That house of commons consisted chiefly of adventurers and soldiers.” Cart. Orm. vol. ii. f. 263.

For this reason it seems to be, that from the year 1661 to 1666, the house of lords on all occasions of privilege and conferences, treated these commons with great slight, and even contempt; frequently, after having appointed meetings with them on disputes of their respective privileges, having kept the committees of the commons waiting an hour at their lordships door, and afterwards adjourning themselves without meeting them. See Com. Journ. vol. ii. One passage of this kind deserves some notice: a conference was demanded by the lords on the usual wrangle about privilege; when the committee of the commons came to the place appointed, they found no forms for them to sit on as usual; on which they sent to the black rod to appoint his servants to place forms in the chamber behind the lords chairs; who returned answer, that he could not cause that to be done: then they commanded the messengers belonging to the commons to set chairs for them instead of the said forms.

Some

porations throughout the kingdom with a set of people of his own stamp, it is easy to account for the strength and prevalency of that party in the house, which laboured to make good all the estates of the adventurers and soldiers, how guilty soever, and refused to hearken to any reasonable proposal, in favour of the old proprietors, however innocent."

But even this favourable composition of the house of commons did not content these state harpies.^c In order to have the dividing the spoil of the nation en-

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Some time after the lords came down to the free conference, and they being sat, the committee of the commons took their seats behind their lordships, and as they were opening the free conference, their lordships whispered to each other, and immediately thereupon told them they could not admit of that posture, and wondered they insisted on that point. After which they rose, saying they would communicate what passed to the house of lords: being asked by the commons if they should stay for their lordships return, one of the lords (Earl of Drogheda) looking back towards them, said, "they had a mind all to be lords." Whereupon one of the commons (Capt. Molyneux) answered, why may not another rebellion make some of us lords as former rebellions did make some of your lordships predecessors so." At length the black rod came and acquainted them from the lords, that they intended not to return to the said free conference. *Id.* vol. ii. f. 518-19. The lords on this occasion made a resolution not to meet the commons in any conference, till the commons made reparation for the affront, in sitting before them; and they kept their resolution during that parliament. *Id.* *ib.* vol. ii.

^c "Although his majesty in his letter to these lords justices of the 11th of March preceding, ordered them to see Sir William Domville (an honest and loyal gentleman) settled speaker of this house of commons." (*Orrery's State Lett.* p. 34.) Yet Sir William not being thought a favourer of their designs, they found means to fix Sir Audley Mervin, a Cromwellian and covenanter, in the chair." *Ib.* Orrery, in a letter to Ormond at this time, betrays their thoughts of this parliament's insufficiency for their predatory purpose. "I writ my poor sense to your grace, says he, how fit it might be, that after this parliament had done what it was requisite for them to do, an unquestionable one might be called to confirm all; which I rejoice to find, was also my lord chancellor of Ireland's sense, and is so well liked by his majesty, your grace, and my lord chancellor of England." *State Lett.* p. 68.

tirely among themselves, and for ever to preclude the catholics from having any share, even in their debates about it, one of their first illegal resolutions was,³ “that no members should be qualified to sit in that house, but such as had taken the oaths of allegiance and supremacy.”^d With the same view of banishing the catholic peers from the house of lords, Primate Bramhall, their speaker, procured an order to be passed there,⁴ “that all the members thereof should receive the sacrament of the Lord’s supper from his grace’s own hands.”^e To such vile and predatory purposes, was one of the most awful institutions of religion prostituted at that juncture! But in no other parliament but one so constituted, and perverted, could acts, alienating the just properties of almost all the catholics in the kingdom, be expected to pass.

C H A P.

³ Orrery’s State Letters, vol. i. p. 35.

⁴ Borl. Reduct. of Irel. p. 34.

^d “May 15th, 1661, Ordered, upon question, that the undernamed persons be, and are hereby appointed a committee to attend the right honourable the lords justices, and hereby to pray their lordships from this house, to issue out a warrant to the right honourable the lord chancellor to grant a commission under his majesty’s great seal of this kingdom, unto such persons as their lordships shall think fit, whereby they, or any two or more of them, may be empowered to administer the oath of supremacy, which is established by act of parliament in this kingdom, 2^o Elizabeth, and the oath of allegiance established 3^o Jacobi in England, unto all and every of the members of this house, that now are, or hereafter shall be, in such manner, form, or order, at large, as in the acts they are severally expressed.” Com. Journ. vol. i. f. 602. The same was done in the house of commons. “June 17th, 1661, Ordered, that the undernamed persons do repair unto his grace the lord primate of all Ireland, and, in the name of this house, do return thanks unto his grace, for his great pains taken yesterday, in preaching and administering the holy sacrament of the Lord’s supper unto the members of this house.” Id. ib. f. 640.

^e “Which (adds Borlase) I the rather observe, it being, for what I ever heard, the first order of that nature. The composition of the lords house consisting most of papists.” Ib,

C H A P. X.

*False reports of a conspiracy among the Irish considered.
The effects of these reports.*

BUT the commons, not satisfied even with these advantages, in order to have some colourable pretext for the injustice intended, resolved to render the party to be injured as odious as possible. For this purpose they left no means unattempted, however ^a wicked or absurd, to countenance and diffuse the calumny, lately raised by their emissaries, as if the Irish had actually entered into a real conspiracy. They ¹ had with great industry, called before them several witnesses to prove that the papists were sometimes seen attending divine service in their own way, and that considerable numbers of people were gathered together on such occasions; ^b that a cutler's apprentice had new furbished an old sword for one of them; and that another was detected buying a horse for his necessary occasions. Such proofs of a conspiracy, says Mr. Carte, might have appeared good and sufficient to the two new earls, but did not satisfy Sir Maurice Eustace, and a few others. Recourse was, therefore, had to an old expedient for realizing imaginary plots, which had been formerly found successful.² A letter supposed to have been written by one Irish priest to another, upon

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¹ Cart. Orm. vol. ii.

² Id. ib.

^a "The enemies and competitors of the Irish," says Dr. Leland on this occasion, "were indefatigable in endeavouring to load their whole party with the guilt of new conspiracies; and even manifest forgeries were received as solid proofs." Hist. of Irel. vol. iii. p. 426.

^b "All the foundation (says Mr. Carte) for this insinuation was, that there had been of late, meetings of the poor Irish at masses, in order to partake of a jubilee, which the pope had sent them; but the whole kingdom knew that they were in no condition to rebel." Orm. vol. ii. f. 231.

somewhat that was deemed treasonable, because dark and unintelligible, was somewhere found and laid before the parliament, by one Jephson, a member; ^c who, with several other members, was himself, about two years after, convicted of a real conspiracy against the government and executed for the same.³ In consequence of this pretended discovery, a proclamation was issued, and executed with great rigour,⁴ “by which all artificers and shopkeepers, who had been left in their habitations by the usurpers, at the time of the transplantation, were now banished from Kilkenny, and other great towns. Horfes and arms, being nowhere else to be found, were sought for in trunks and cabinets; and silver cups were defined to be chalices. The letter above-mentioned was transmitted into England with a representation of the insolence of the papists, for whose suppression, in order to prevent the threatened danger, his majesty’s directions were desired.”

“But ‘Chancellor Eustace suspected the injustice, as well as design, of this charge against the Irish; and to discover what ground there was for it, he directed the judges in their circuits to cause the matter to be enquired into by the grand juries of the several counties,

³ Com. Journ. vol. ii. f. 337. ⁴ Cart. Orm. vol. ii.

⁵ Id. ib. f. 231.

^c He represented the borough of Trim in the county of Meath. Com. Jour. vol. ii. f. 337. The following members, “Robert Shapcote, John Chambers, Thomas Boyd, Alexander Staples, Abel Warren, John Ruxton, and Thomas Scot, Esqrs. were voted, *nem. contradic.*” for having been engaged in this plot, “to be expelled the house, and made incapable of ever sitting in future parliaments; and that the said expelled members be left to the courts of justice to be further proceeded against.” Id. ib. f. 347. The charge of the house of commons against these men was, “that they were engaged in a late wicked and horrid plot, to have surprized his majesty’s castle of Dublin, to have seized on the person of his grace James Duke of Ormond, and to have involved the three kingdoms in blood.” Ib. f. 350. The above expelled members were also made “incapable of exercising any employment civil, military, or ecclesiastical within the kingdom.” Ib. f. 354.

ties, through which they passed. The finding of these juries was alike every where ; there being a great calm in all places ; no preparations for a rising, nor so much as a rumour of any new troubles. Nothing could be more frivolous, and void of proof, than the paper which the commons drew up on this occasion, and presented to the lords justices ; who yet thought fit to send it, inclosed in their letters, to Secretary Nicholas, signifying at the same time their opinion, that it would be destructive to the English interest, to admit the Irish to trade and settle in corporate towns ; or to allow the Roman catholic lawyers to practise in their profession ; both which, however, had been positively allowed by his majesty's letters."

C H A P. XI.

The parties principally suspected of this conspiracy, voluntarily appear before the lords justices, in order to detect the forgery.

THE imputation of a conspiracy¹ was matter of great apprehension to the whole body of the Irish Roman Catholics ; all their fortunes depending on the pleasure of his majesty, who was likely to be estranged from them, by unjust representations of their dispositions and designs. Wherefore the ordinary was prevailed upon to send for the two priests, whose names were in the letter ;² and the Earl of Fingall waited upon the lords justices, to desire a protection with regard to their function, but not to extend to the letter, or any other crime with which they might be charged. But the lords justices would not grant such a protection ; and some of the council told Lord Fingall, that they were no friends to the king, who made any objections, or took measures to prove it a forged letter. Dermott, however, the supposed writer of this letter, came to Dublin ;

¹ Id. ib.

Id. ib.

Dublin; as did Phelan, the other priest, to whom it was directed. Soon after the ³ former presented a petition to the council, complaining of the injury done him, by this imposture, desiring leave, notwithstanding his function, to appear before them, to justify his innocence, being ready to suffer any punishment, if he should be found criminal as to that letter, or any thing else that might tend to sedition, and the disturbance of his majesty's government. After a long examination, he was committed to the custody of an officer; and the next day Phelan appearing, Mr. Belling went with him to the council, who having examined him, committed him in the like manner, upon his denying he had ever received any such letter."

"It was very improbable, continues Mr. Carte,⁴ that the Irish should, at a time when their all depended on the king's good-will to them, be forming against him designs of an insurrection, which, if they were never so unfaithful, they were in no condition to execute."

C H A P. XII.

Loyalty of the catholic nobility and gentry of Ireland at this juncture.

ON account of a severe persecution at this time raised against them, and in hopes of removing all future pretence for the same, the catholics of Ireland, having agreed upon a remonstrance and protestation of their loyalty, which was couched in the strongest and most explicit terms,¹ sent it by the Earl of Fingall to Mr. Walsh,² an Irish Franciscan, then at London, who was

³ Cart. Orm. vol. ii.

⁴ Ib.

¹ Walsh's Hist. of the Irish Remonstrance, f. 9.

² "This religious," says Mr. Carte, "had always been very cordial and sincere in all his professions and zeal for the Duke of Ormond's service. And his grace having the post of senechal

was an humble confident of the Duke of Ormond: by whom it was immediately presented to his majesty, and most graciously received.

Walsh having soon after come to Ireland, in order to get this remonstrance signed by all the Roman catholic clergy, nobility and gentry of the kingdom (as many of them as were at London, when it was presented, having signed it there) succeeded so well, as to obtain, in a short time, the signatures ² “ of sixty-nine of the clergy, secular and regular; five earls, six viscounts, two barons, twenty-four colonels and baronets, and sixty esquires and gentlemen.”

But

² lb.

schal or steward to the bishop of Winchester (it being usually given, in antient times, to some of the most powerful of the nobility, who were thereby engaged in the protection of the See) by a patent from bishop Morley, with the fee of one hundred pounds a year, had settled it upon him for his subsistence. This was all Walsh had to live on. He received it duly, and enjoyed it till his death, which happened a little before the Duke of Ormond's.” *Orm.* vol. ii. f. 548. The same historian informs us, “ that Walsh having urged his grace to turn Roman catholic towards the latter part of his life, the duke told him, among other things, “ that he wondered, if the condition wherein he was appeared so dangerous to him, why so good a friend did not admonish him sooner thereof.” “ Walsh soon saw there was no good to be done, and did not venture on a second attempt.” *Ib.*

The following passage from Lord Castlehaven, further illustrates this Irish friar's character. His lordship, after having told us, “ that he had received a long letter by a trumpet from Ireton, setting forth the great value he had for his person, and offering him, if he would retire from the king's service and live in England privately, he should not only enjoy his estate, but remain in safety with the esteem and favour of the parliament;” adds, “ I immediately shewed this letter to Father Peter Walsh, my then ghostly father, whom I had always found faithful to the king, and a lover of his country. With his advice, by the same trumpet, I answered all his points, and rejected his proposition concerning my own person; desiring him withal to send no more trumpets with such errands, if perhaps, he would not have the messenger ill treated. From this time, there was an end of all messages, and letters between us.” *Memoirs*, p. 127.

But the Duke of Ormond now returned to his government, and but too well acquainted with the late diffensions and animosities among the Irish clergy, (which, it will hereafter appear, he then intended to revive) affected to believe, that there could be no certain reliance on any declaration of loyalty from the catholic laity, until the whole body of their clergy had first unanimously subscribed it. He therefore wrote a letter to Walsh, which was to be shewn to all those ecclesiastics who were backward in subscribing, wherein he told him,³ “that, considering how well his majesty received the subscriptions to the protestation presented to him in England, he did not a little wonder, that the example had not been more readily and frequently followed in Ireland. That he had no other end in wishing it should, than that those of loyal and peaceable dispositions might thereby be distinguished from others, for their own advantage; that the subscribers were more likely to find such advantage than the refusers; and that he desired to know who had already subscribed, and who had refused.”

His grace already knew, that as this protestation had been censured by some ministers of the court of Rome, on account of its somewhat intrenching on the pope's spiritual authority, it would be hardly possible to prevail on such of the Irish clergy, as had expectations from that court, to subscribe it, in the same offensive terms, in which it was conceived. For their chief, if not only objection, was to these terms; as Walsh himself owns,⁴ “that none at all scrupled about what he calls the^b catholicness of it;” and that these non-subscribers had repeatedly offered to draw up and sign a protestation of their own, equally loyal to his majesty in point of civil obedience,

³ Walsh's Hist. of the Irish Remonstrance, f. 94.

⁴ Ib.

^b “I must desire the reader,” says he, “to take notice here, that since the year 1661, till this present, about the end of the year 1666, there was not, among such a number of pretences and excuses, any one alleged, by any at all, of unlawfulness, unconscionableness or uncatholicness in point of faith, religion or morality, in the subscription of that remonstrance, or declaration of allegiance.” Hist. of the Irish Remonf. f. 42.

obedience, and less liable to misconstruction, with respect to their spiritual subjection to the Pope. But all their proposals of that kind were constantly rejected.

But the Irish nobility and gentry were not quite so scrupulous in this respect; for in order to convince the Duke of Ormond, that the refusal of any number of their clergy should be no hindrance to their subscribing, *in terminis*, to the first remonstrance, “ they ⁵ assembled together at Lord Clanrickard’s house in Dublin; where, after Lord Tyrconnel had declared, that their agreement to, and concurrence in, that address, was wholly and solely their own act; that it was originally proposed by the Earls of Clancarty, Carlingford, and himself; and seconded, in very good earnest, by the Earl of Inchiquin, as many noblemen and gentlemen as were then present, and had not subscribed at London, ⁶ in number thirty-three, put their names to it; which number being joined to the London subscribers, made, in all, one hundred and twenty-one, whereof twenty-one were earls, viscounts, and barons.”

Not content with this, they at the same time drew up a letter, praying and inviting the unanimous, cheerful and speedy subscriptions of all the rest of the catholic noblemen and gentlemen of the kingdom. This letter was signed by the Earls of Castlehaven, Clancarty, Clanrickard, Fingall, Tyrconnel, and Carlingford; and expressed “ their hopes, ⁷ that the same prudential, christian, catholic, and obvious reasons, which had induced themselves to sign that remonstrance, would prevail upon them also to do the like, as these reasons imported no less than the clearing of their holy religion from the imputation of most unholy tenets; the assuring his majesty ever more of their loyal thoughts, hearts and hands, in all contingencies whatsoever; and the opening of a door to their own liberty and future ease, from those rigorous penal laws, under which they, and their predecessors, had sadly groaned during an hundred years past. That

⁵ Id. ib.

⁶ Ib. f. 95.

⁷ Id. ib.

That as they hoped they could not think, they would even for these desirable ends, swerve in the least tittle from the true, pure, and unfeigned profession of the Roman catholic faith, nor from the reverence due unto his Holiness the Bishop of Rome, or the catholic church in general; so they believed, that they would rest satisfied, that nothing contained in this remonstrance reflected at all on the spiritual jurisdiction, power, or authority of the Pope, or church; the whole tenor of it asserting only the supreme temporal power in the prince to be independent of any but God alone, and the fidelity and obedience due to him in temporal affairs, to be indispensable by any power on earth, spiritual or civil."

Two⁸ and thirty copies of this letter (one for each county in the kingdom) were signed by these noblemen. "And questionless," says Walsh,⁹ "had they been sent away, as designed, the hands of all the catholic noblemen and gentlemen of Ireland would have been subscribed to the remonstrance, in less than six months." But the Duke of Ormond, who had been made acquainted with the drawing up and signing of this letter, affected to have it believed, that, as there was then lately discovered a plot of the fanatics to seize the castle of Dublin, if any papers were known to be carried about by catholics for getting subscriptions, their good intentions might be easily misinterpreted, and even a conspiracy imputed to them on that account; so "his grace was pleased," says Walsh,¹⁰ "to countermand, for that time, and to suspend ever since, the sending about of these letters, expecting it might be done more seasonably, when the clergy had signed first."

C. H. A. P.

⁸ Walsh's Hist. of the Irish Remonst. f. 96.

⁹ Ib. f. 97. ¹⁰ Ib.

C H A P. XIII.

The Irish clergy's remonstrance of loyalty.

HIS grace still persisting in his demand of a general and uniform subscription of all the Irish clergy to the remonstrance first delivered by Walsh (which he was privately assured, would not be obtained^a), procured his majesty's consent, to suffer them to meet in a national synod at Dublin; which, notwithstanding its favourable appearance, he clearly foresaw, would only serve to increase those dissensions already sprung up among them, on that subject. For, notwithstanding all Walsh's prolix and learned harangues at this meeting, to prove the great expediency, and even absolute necessity, of their general compliance, the majority of the synod still refused to subscribe to that particular address; not, as they all declared, that they thought it contained any thing repugnant to the Roman catholic faith; nor yet, "that they meant thereby to decline or disavow the substance of it; but because they believed

^a One of the reasons, among many others, assigned by the non-subscribers, was, "that none of either the laity or clergy who had subscribed, were more favoured, or more at liberty than others; the lay-proprietors not, therefore, restored to their estates, though several of them could, besides, according to the laws, plead innocency; and all of them, public articles both of war and peace for their said estates, and for the public and free exercise of their religion too.

"Nor were the clergy, who had subscribed, suffered to enjoy even one chapel, without daily hazards of imprisonments, and even men's lives, as appeared by a late persecution, when both on St. Stephen's and new-year's day, in 1662, the chapel of the Franciscans in Dublin, who had been all subscribers, and wherein Walsh himself did officiate, was, by guards of soldiers and whole companies with naked swords, assaulted, the altar rifled, the priests carried prisoners to Newgate, and many both men and women grievously hurt, some slashed and wounded sorely, even to the great endangering of their lives." Walsh's Hist. of the Irish Remonst. f. 26.

lieved it more becoming the dignity of that meeting, and more respectful to his majesty and his grace, to present a remonstrance of their own framing, which, at the same time that it expressed as much loyalty as the other, should be so unexceptionable, in point of language, that not only the bishops and other clergy there present, but every Roman catholic priest in the kingdom, both secular and regular, would cheerfully subscribe it. Wherefore, after mature deliberation and debate, the following remonstrance of loyalty was drawn up and signed by this congregation; and, on the 16th of June, 1666,¹ delivered to the Duke of Ormond by two of their bishops, together with a petition, praying his grace to accept that remonstrance from them, and to present it to his majesty, the rather that it was so unanimously agreed to, as there was not one dissenting voice in all their number.”

“ To the king’s most excellent majesty, Charles the Second, king of Great Britain, France, and Ireland, &c.

“ WE, your majesty’s subjects, the Roman catholic clergy of the kingdom of Ireland together assembled, do hereby declare and solemnly protest, before God and his holy angels, that we own and acknowledge your majesty to be our true and lawful king, supreme lord, and undoubted sovereign, as well of this realm of Ireland as of all other your majesty’s dominions; consequently we confess ourselves bound in conscience, to be obedient to your majesty in all civil and temporal affairs, as any subject ought to be to his prince, and as the laws of God and nature require at our hands. Therefore we promise, that we will inviolably bear true allegiance to your majesty, your lawful heirs and successors; and that no power on earth shall be able to withdraw us from our duty herein; and that we will, even to the loss of our blood, if occasion requires, assert your majesty’s rights against any
that

¹ Walsh’s Hist. of the Irish Remonst. f. 683.

C H A P. XIII.

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HIS grace still persisting in his demand of a general and uniform subscription of all the Irish clergy to the remonstrance first delivered by Walsh (which he was privately assured, would not be obtained^a), procured his majesty's consent, to suffer them to meet in a national synod at Dublin; which, notwithstanding its favourable appearance, he clearly foresaw, would only serve to increase those dissensions already sprung up among them, on that subject. For, notwithstanding all Walsh's prolix and learned harangues at this meeting, to prove the great expediency, and even absolute necessity, of their general compliance, the majority of the synod still refused to subscribe to that particular address; not, as they all declared, that they thought it contained any thing repugnant to the Roman catholic faith; nor yet, "that they meant thereby to decline or disavow the substance of it; but because they believed

^a One of the reasons, among many others, assigned by the non-subscribers, was, "that none of either the laity or clergy who had subscribed, were more favoured, or more at liberty than others; the lay-proprietors not, therefore, restored to their estates, though several of them could, besides, according to the laws, plead innocency; and all of them, public articles both of war and peace for their said estates, and for the public and free exercise of their religion too.

"Nor were the clergy, who had subscribed, suffered to enjoy even one chapel, without daily hazards of imprisonments, and even men's lives, as appeared by a late persecution, when both on St. Stephen's and new-year's day, in 1662, the chapel of the Franciscans in Dublin, who had been all subscribers, and wherein Walsh himself did officiate, was, by guards of soldiers and whole companies with naked swords, assaulted, the altar rifled, the priests carried prisoners to Newgate, and many both men and women grievously hurt, some slashed and wounded sorely, even to the great endangering of their lives." Walsh's Hist. of the Irish Remonst. f. 26.

lieved it more becoming the dignity of that meeting, and more respectful to his majesty and his grace, to present a remonstrance of their own framing, which, at the same time that it expressed as much loyalty as the other, should be so unexceptionable, in point of language, that not only the bishops and other clergy there present, but every Roman catholic priest in the kingdom, both secular and regular, would cheerfully subscribe it. Wherefore, after mature deliberation and debate, the following remonstrance of loyalty was drawn up and signed by this congregation; and, on the 16th of June, 1666,¹ delivered to the Duke of Ormond by two of their bishops, together with a petition, praying his grace to accept that remonstrance from them, and to present it to his majesty, the rather that it was so unanimously agreed to, as there was not one dissenting voice in all their number.”

“ To the king’s most excellent majesty, Charles the Second, king of Great Britain, France, and Ireland, &c.

“ WE, your majesty’s subjects, the Roman catholic clergy of the kingdom of Ireland together assembled, do hereby declare and solemnly protest, before God and his holy angels, that we own and acknowledge your majesty to be our true and lawful king, supreme lord, and undoubted sovereign, as well of this realm of Ireland as of all other your majesty’s dominions; consequently we confess ourselves bound in conscience, to be obedient to your majesty in all civil and temporal affairs, as any subject ought to be to his prince, and as the laws of God and nature require at our hands. Therefore we promise, that we will inviolably bear true allegiance to your majesty, your lawful heirs and successors; and that no power on earth shall be able to withdraw us from our duty herein; and that we will, even to the loss of our blood, if occasion requires, assert your majesty’s rights against any
that

¹ Walsh’s Hist. of the Irish Remonst. f. 683.

that shall invade the same, or attempt to deprive yourself, or your lawful heirs and successors, of any part thereof. And to the end, this our sincere protestation may more clearly appear, we further declare, that it is not our doctrine that subjects may be discharged, absolved, or freed from the obligation of performing their duty of true obedience and allegiance to their prince; much less may we allow of, or pass as tolerable, any doctrine that perniciously, and against the word of God, maintains, that any private subject may lawfully kill or murder the anointed of God, his prince; wherefore, pursuant to the deep apprehension we have of the abomination and sad consequences of its practice, we do engage ourselves to discover unto your majesty, or some of your ministers, any attempt of that kind, rebellion or conspiracy against your majesty's person, crown, or royal authority, that comes to our knowledge, whereby such horrid evils may be prevented. Finally, as we hold the premises to be agreeable to good conscience, so we religiously swear the due observance thereof to our utmost, and we will preach and teach the same to our respective flocks. In witness whereof we do hereunto subscribe the 15th day of June 1666."

But the Duke of Ormond not only rejected the petition and remonstrance of this clergy, but also ordered them immediately to disperse; and soon after banished them out of the kingdom; insomuch that when his grace quitted the government, there were not more than three catholic bishops remaining there, two whereof were bed-ridden, and the third had absconded.^b

C H A P.

^b His grace expected their subscriptions to that very remonstrance which had been presented to the king; and would accept of no other. See Walsb's Remonst. f. 489. Although the non-subscribers alleged, and Walsb himself owns in several parts of his history, that his remonstrance seems to assert all that is contained in the oath of supremacy itself.

C H A P. XIV.

The Duke of Ormond's design in permitting this meeting of the Irish clergy.

PETER TALBOT, titular Archbishop of Dublin, and one of the most powerful opponents of Walsh's remonstrance, observed afterwards to that religious, that he had been all along made use of only as a tool and a dupe, in that business. "The ministry," says he,¹ "for reasons best known to themselves, were willing to let you preach and press a formulary, which they foresaw would divide the catholics among themselves, discredit their religion, and give the government the colour and advantage of excluding from their estates, many meriting gentlemen, for not professing that allegiance, which learned men of their own religion maintained to be absolutely necessary in a faithful subject." That there were sufficient grounds for such an observation, can be now proved by unquestionable authority; for about the end of the year 1666, after the before-mentioned synod of the Irish clergy had been dispersed, Lord Orrery, taking advantage of that incident, wrote thus to Ormond:² "I humbly offer to your grace, whether this may not be a fit season to make that schism, which you have been sowing among the popish clergy, publicly break out, so as to set them at open difference; as we may reap some practicable advantage thereby." And when, some years after, his grace's enemies had strangely accused him of having countenanced and encouraged popery in Ireland, during his administration; and instanced his permission of this synodical meeting of the Irish clergy, as a proof of it; the duke himself frankly declared,³ "that his aim in permitting that meeting, was to work a division among the Romish clergy; and that he believed

¹ Friar Disciplined, p. 92. ² State Let. vol. ii.

³ Carte's Ormond, vol. ii. Append.

lieved he had compassed it, if he had not been removed; and if contrary councils and courses had not been taken and held, by his successors in the government; of whom," says he, "some were too indulgent to the whole body of papists, and others not much acquainted with any of them; not considering the advantages of the division designed."

Some hopes, it appears, had been given (which his grace's before-mentioned letter to Walsh seemed to confirm), that the subscribers to the first remonstrance would be restored to their estates. But Archbishop Talbot calls upon Walsh, "to name but one,⁴ who had been the better for his subscription. A man," says he, "would think that my Lord of Iveagh's extraction, innocency, and merit, his breaking General Owen O'Nial's army, his raising and losing two or three regiments in the king's service, his venturing himself and his nearest relations in the towns besieged by Cromwell, his constantly following his majesty's person and fortune in exile, needed no further remonstrance of his loyalty; but, however, that nothing might be objected against him, he signed yours; and yet is nothing the nearer his estate. I know you pressed my Lord Duke of Ormond very much in Sir Robert Talbot's behalf, saying it would be a great scandal if the only gentleman in Ireland, who never would reject the peace of 1646, and suffered so much on that account, were not restored to his estate; and yet you see he was, and his son is,^a in the same condition with the rest of your subscribers."

C H A P.

⁴ Friar Discipl. p. 87.

^a In the year 1674, when Friar Disciplined was published.

C H A P. XV.

The king confesses his obligation to make good the peace of the year 1648.

HIS majesty had, at several times, acknowledged himself bound to fulfil his engagements to the Irish by the peace of 1648. We have already observed, that in a letter from Breda, in 1650, he desired the Marquis of Ormond, "to assure them, that he would perform all grants and concessions which he had either made or promised them by that peace; and which, as he had new instances of their loyalty and affection to him, he should study rather to enlarge, than diminish or infringe in the least degree."

In his speech to both houses of parliament, July 1660, when a general act of oblivion was intended to be passed, his majesty knowing that means had been used to exclude the Irish from the benefit of that act, told them, "that he hoped the Irish alone would not be left without the benefit of his mercy; that they had shewn much affection to him abroad; and that he expected the parliament would have a care of his honour, and of what he had promised them." And in his declaration of the 30th of November following (which was intended to be the ground-work of the acts of settlement), he again acknowledged this obligation, and said,² "he must always remember the great affection a considerable part of the Irish nation expressed to him, during the time of his being beyond seas; when, with all cheerfulness and obedience, they received and submitted to his orders, though attended with inconvenience enough to themselves; which demeanour of theirs," adds he, "cannot but be thought very worthy of our protection, justice, and favour."

But

¹ Cart. Coll. of Orm. Orig. Pap. Carte's Orm. vol. ii. f. 129.

² Irish Statutes.

But the commissioners from Ireland, fearing that if the Irish were included in the general pardon, they would be of course restored to their estates (of which, by the bounty of the late usurpers, these commissioners and their adherents, were then actually in possession),³ petitioned both houses, that they might be excluded by an express clause, to be inserted in the act. And upon a motion being made in the house of peers, that this petition should be rejected, and the Irish included in the general indemnity, the Duke of Ormond opposed it, alleging that,⁴ “his majesty had reserved the cognizance of that matter to himself;”^a though it was notorious, that his majesty in his speech to parliament, but a few days before, had acquainted them, “that he expected (in relation to his engagement with that people) they would have a care of his honour, and of the promise he had made them.” Excluded howe-

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³ Carte, ubi supra.⁴ Sale and Settlement of Ireland.

^a What duplicity, when we reflect, that Ormond in his declaration, published on the conclusion of the peace of 1648, after having charged the English rebels with putting him under the necessity of concluding it, has these words: “this we mention not as thereby in the least degree to invalidate any of the concessions made unto this people; but on the contrary, to render them in every point the more sacred and inviolable, by how much the necessity on his majesty’s part for the granting thereof is greater, and the submission on their parts, to his majesty’s authority, in such his great necessity, more opportune and seasonable.” Cart. Orm. vol. ii. f. 52.

I shall have frequent occasion to quote this tract (Sale and Set. of Irel.). It was commonly called the Conventry-letter, because it was dated from Coventry. It was written by Mr. Nangle, attorney general in Ireland in 1685. The Earl of Clarendon, when lord lieutenant of Ireland, often mentions it in his letters to England, as a piece much taken notice of. “I have received (says he, in one of them) a copy of a letter written by Mr. Nangle, to the Earl of Tyrconnel, from Coventry; ’tis a notable letter.” State Lett. vol. i. p. 156. Elsewhere, he says, “I gave my Lord Chief Justice Keating a copy of Mr. Nangle’s letter, and desired his thoughts upon it.” Ib. His excellency mentions Mr. Nangle in several of his letters, as “a person of undoubted abilities, and integrity in his profession.

ver they were, to the astonishment of all honest men ; who now perceived, what powerful instruments their enemies made use of, to accomplish their wicked purposes.

C H A P. XVI.

Ormond's reasons for his opposition to the Irish considered.

THE Duke of Ormond assigned two reasons, in excuse for his ungenerous conduct in this particular. First he said,¹ “ if he had not opposed the motion for including the Irish in the general pardon, others undoubtedly would ; who, by exaggerating their former misconduct, would have excited rather the parliament’s indignation against, than commiseration for their case.” But this reason has no manner of force. For although the English had heard nothing of the insurrection in Ireland, but what gave them horror, and possessed them with the worst opinion of the whole Irish nation, yet his grace could have easily set them right, as to that matter : ² for, “ besides,” as Mr. Carte confesses, “ his being a witness of every man’s behaviour during the troubles, he was well acquainted with all the circumstances of their case ; he knew what early attempts the most considerable of their nobility and gentry made to return to their duty ; the difficulties they had to struggle with in that work ; the perseverance with which they pursued their design, till they had accomplished it ; and the zeal with which, in the late king’s distress, they had embraced the peace of 1648.” All this, I say, his grace could have easily made known to their lordships, in case of the supposed exaggeration of their misconduct, and would have been bound in honour and justice to do so ; whereas, by his opposition to the motion for including them in the general

¹ Walsb’s Letter to the Bishop of Ferns, p. 24.

² Carte’s Orm. vol. ii.

general pardon, he gave occasion to their lordships to consider them, as the most criminal of all his majesty's subjects in that respect, and as meriting peculiar and exemplary punishment.

His second reason was still weaker than the first, and is refuted by his own experience. He pretended,³ "that he did not think, that the protestant peers, or commons of Ireland, or even the very catholic Irish, would be concluded by, or content with an act of the English parliament," viz. An act granting their pardon, and thereby putting them in a capacity to be restored to their estates! His grace could not, seriously, have meant, that either the protestant peers or commons, or the catholic Irish, would have deemed an act of the English parliament insufficient for the purpose of their restitution; because it was notorious⁴ that he himself was restored to his lands in Ireland, by an act of the English parliament; and particularly, that one⁵ Blackwell was dispossessed of his grace's large estate at Killcash, in virtue of it."⁶

H 2 C H A P.

³ Walsh, ubi supra.

⁴ Cart. Orm. vol. ii. f. 398.

⁵ Id. ib. vol. ii. f. 392.

⁶ "The parliament of England had restored the Marquis of Ormond to his estate; in consequence of which several adventurers readily resigned their possession; but for the due execution of the act in all parts of Ireland, the king's letters were necessary." Cart. Orm. vol. ii. f. 218.

"There was an act of parliament passed (in England) with the consent of all parties, that he (Ormond) should be presently restored to all his estate (in Ireland), which was done with the more ease, because the greatest part of it (for his wife's land had been before assigned to her in Cromwell's time, or rather in his son Harry's) lay within that province (Munster), which Cromwell out of his husbandry, had reserved for himself, exempt from all title or pretence of adventurer, or soldier. What other part of his estate either the one or the other was possessed of, they very willingly yielded it up to the marquis, in hope of having recompence made them in other lands." Clarend. Life, vol. ii. p. 197.

C H A P. XVII.

The Earl of Orrery abuses the king's confidence, with respect to the settlement of Ireland.

HIS majesty's declaration before-mentioned, for the settlement of Ireland,^a (which comprehended every foot of land in the kingdom) ordained, that about five hundred Irish gentlemen therein named, who had faithfully served him abroad, should be restored to their estates; but not until land of equal value was found,^b to
reprise

^a In order to enhance the merits, and consequently the rewards, of those said to be in the English interest, the first act of settlement sets forth in the preamble, "that the Irish rebels were conquered by his majesty's protestant subjects, in his absence." These Irish rebels, when they were conquered, fought under the command of the Marquis of Ormond, his majesty's lord lieutenant of Ireland, and afterwards under the command of the Lord Marquis of Clanrickard, his majesty's lord deputy of that kingdom. And those protestant subjects who conquered them, were Cromwell, Ireton, Axtel, Hewetson, Jones, Broghill, Coote, &c. who, indeed, vigorously pursued these Irish rebels, because they constantly denied the authority of the pretended commonwealth, and unalterably adhered to the interests of Charles Stewart (as these his majesty's protestant subjects were, in that time of conquest, always wont to call him); it was in consequence of this act, which establishes it as a fundamental law, that the Irish rebels were conquered by the English protestant subjects, that commissioners were appointed by his majesty to decide the claims of the Irish, in pursuance thereof." Sale and settlement of Ireland.

^b The claim of the adventurers was founded on an English act of parliament 17^o Caroli, by which all those who had lent money towards carrying on the war against the Irish, should upon their being subdued have a certain portion of their forfeited estates conveyed to them. By the same act it was provided, that the money so lent should not be applied to any other use but that of the Irish war. Yet, "scarce was there one hundred thousand pounds thus raised, when the same parliament, contrary to its own act and engagement, caused it to be laid out for the setting forth

reprize the Cromwellian adventurers and soldiers, who then had possession of them. It also ordained, that such of the Irish as had never infringed the articles of the peace, concluded between the Marquis of Ormond and them in 1648, should be restored upon the same conditions. But the king had already disposed of so great a part of the kingdom in gifts to the English and Irish favourites (some of whom had been accessaries in his father's murder), that the order for reprisals was absolutely impracticable; on which account the adventurers and soldiers still continued their usurped possession; "although many of them, in respect of their notorious and opprobrious actions against the crown, throughout their whole employment, and of their expressing even after his majesty's return, how little they were satisfied with the revolution, were universally odious, both in England and Ireland."

The

Clarend. Life.

forth their army under the command of the Earl of Essex, then ready for its march, against the king at Nottingham." Borl. Hist. of the Irish Rebel. f. 121.

The soldiers, who were to be reprized with lands of equal value, had constantly fought for the usurpers against the king; and were thus to be rewarded for that service. "They were, (says Mr. Carte) for the most part, anabaptists, independents, and levellers." Orm. vol. ii.

Although the king himself had confessed in his declaration, which was to be the foundation of these acts of settlement, "that the estates and possessions, which the adventurers and soldiers did then enjoy, if they were examined by the strict letter of the law, would prove very defective, and invalid, being no ways pursuant to those acts of parliament upon which they are pretended to be founded." See that Declaration,

"If (says Ormond on this occasion) the adventurers and soldiers must be satisfied to the extent of what they suppose intended for them by the declaration; and if all that accepted and constantly adhered to the peace (of 1648) must be restored, as the same declaration seems also to intend, there must be new discoveries made of a new Ireland; for the old will never serve to satisfy these engagements." Cart. Orm. vol. iii. f. 340.

The Earl of Clarendon, who was thoroughly acquainted with the conduct and intrigues of this settlement, informs us,² “that his majesty was led into this mistake by a very positive assurance from Lord Orrery,^d who was believed to understand the state of that kingdom very exactly, that there was land enough to satisfy all the soldiers and adventurers; and that there would be a very great proportion left for accommodating the Irish very liberally.” But his lordship, at the same time, made use of every sinister means, for his own private advantage, to reduce that proportion to nothing.

For,³ “believing he could never be well enough at court, except he had courtiers of all sorts obliged to him, who would therefore speak well of him in all places and companies, he recommended to many of them divers suits for such lands, as by forfeiture, or otherwise, should come to his majesty; although he knew that his majesty had resolved (and that by his lordship’s own advice) to retain those lands in his own power, to the end that, when the settlement should be made, he might be able to gratify those of the Irish nation, who had any thing of merit towards him, or had been least faulty.” His lordship often, even sent certificates to these courtiers under his own hand, of the value those suits might be to them, if obtained; and of the little importance the granting them would be to his majesty; which having been shewed to the king, disposed him to those concessions, which otherwise he would not so easily have made.”

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² Clarend. Life. ³ Id. ib. ⁴ Id. ib.

^d “This earl (says K. James in his Memoirs) was famous for changing parties so often, and for making a speech to Cromwell to take the title of king; his tongue was well hung, he had some good parts, and he was reckoned so cunning a man that nobody would trust him, or believe what he said.” Macphers. Orig. Pap. vol. i. p. 43.

C H A P. XVIII.

The affairs of Ireland brought before the English Council.

ABOUT this time, a warm dispute was carrying on at London, between the agents for the late confederate catholics, and the commissioners from the council and the two houses of the Irish parliament, in several memorials presented by them to the king, in justification of their respective claims, and pretensions. “But” the Irish agents pleaded their cause under great disadvantages.¹ The commissioners from the council and parliament differed a little among themselves, about their private and personal interests; but they were all united in one unhappy extreme, that is, (says Lord Clarendon, who was present in council during these disputes) in their implacable malice to the Irish; insomuch, that they concurred in their desire, that they might gain nothing by the king’s return; but be kept with the same rigour, and under the same incapacity to do hurt, which they were then under. And though eradication was too foul a word to be uttered in the hearing of a christian prince, yet it was little less, or better, that they proposed, in other words, and hoped to obtain. Whereas the king thought that miserable people to be as worthy of his favour, as most of the other party, and that his honour, justice, and policy, as far as they were unrestrained by laws and contracts, obliged him more to preserve them, at least as much as he could. And yet it can hardly be believed, how few men, in all other points very reasonable, and who were far from cruelty in their nature, cherished that inclination in the king; but thought it in him, and more in his brother, to proceed from other reasons than they published. Whilst others, who pretended to be only moved by christian charity and compassion, were more cruel towards them, and made them more miserable by extorting great engagements from them for their protection

¹ Cart. Orm. vol. ii.

² Clarend. Life, vol. ii. f. 129.

protection and intercession ; which being performed, would leave them in as forlorn a condition as they were found.

Besides these impediments to their success, from the malice of their enemies, the ignorance and prejudice of some about the king, and the fraud and cruelty of others, these agents from the confederate catholics had another obstacle in their way, which was still more insurmountable ; and that was the great poverty of those who sent them. “ The ³ new earls of Orrery and Montrath had taken care to raise ¹ privately among the adventurers and soldiers twenty or thirty thousand pounds, to be disposed of properly, without any account,

³ Cart. Orm. vol. ii. p. 200.

¹ And as much more publicly. For “ the Irish commons, on the 4th of March, 1661, ordered, nem. con. thirty thousand pounds English to be raised throughout the kingdom, and presented to his grace the Duke of Ormond, with a clause, that they intended not that present of theirs should be interpreted as an exclusion of his grace from any other just favour his majesty might think fit to confer on him or his.” Com. Jour. vol. i.

This order was procured by his grace’s friend, the Earl of Orrery, then one of the lords justices ; for thus that earl wrote to his grace the day after it was passed. “ Yesterday the parliament met in this city ; I had engaged the speaker, and much the most, if not all the members, that their motion for their humble present for your grace might be the very first business gone upon. It passed without one negative.” Orrery’s State Lett. vol. i. p. 99.

The bill for granting thirty thousand pound to the Duke of Ormond, was read thrice in one day and passed. See Com. Jour. vol. ii. f. 8.

The same Orrery having acquainted Ormond, that the first act of settlement was sent to England, adds, “ all this kingdom looks upon your grace as their great patron, to whom they in a high degree owe those hopes, which his majesty’s gracious declaration has given them.” State Lett. p. 37. This declaration was the basis and ground-work of the acts of settlement. Again, he tells him, “ your lordship’s favour to this poor kingdom in hastening the bill of settlement, is so signal and great, that I know not one man concerned in the good settlement of this kingdom but must, and does own himself your grace’s servant, for your eminent pains and care in that desired work.” Ib. p. 90.

count, by way of recompence to such as should be serviceable to what was called the English interest. The Irish had no such sums to command; few friends about the court, and no means of procuring any. Those of the English council, before whom they were to plead their cause, were highly prejudiced and incensed against the whole nation, knew little of the conduct of particular persons, who deserved favour; but were willing to involve every body, in the general guilt of the massacre, as well as the rebellion."

C H A P. XIX.

The sufferings of the Irish set forth by their agents before the king and council.

IN vain did the Irish agents urge, "the great and long sufferings of their countrymen; the loss of their estates, for five or six and twenty years, the wasting and spending of the whole nation in battles, and transportation of men into the parts beyond seas; whereof many had the honour to testify their fidelity to the king by real services; many of them returned into England with him, and were still in his service; the great numbers of men, women, and children, that had been massacred, or executed in cold blood after the king's government had been driven from them; the multitudes that had been destroyed by famine, and the plague,^a these two heavy judgments having raged over

^a Clarend. Life.

^a "About the year 1652 and 1653, (says an eye-witness) the plague and famine had so swept away whole countries, that a man might travel twenty or thirty miles, and not see a living creature, either man, beast or bird, they being all dead, or had quitted these desolate places. Our soldiers (Cromwell's) would tell stories of the places where they saw a smoak, it was so rare to see either smoak by day, or fire or candle by night and when we did meet with two or three poor cabins,

over the kingdom for two or three years; and at last, as a persecution unheard of, the transplanting of the small remainder of the nation into a corner of the province of Connaught, where yet much of the lands were taken from them, which had been assigned with all those formalities of law, which were in use and practice under that government."

"In vain did they claim the benefit of the two treaties of peace, the one in (1646) the late king's time, and confirmed by him; the other (in 1648) confirmed by his majesty, who was present;² by both which they alleged, they stood indemnified for all acts done previously by them in the rebellion, and insisted upon their innocence since that time; and that they had paid so entire an obedience to his majesty's commands while he was beyond the seas, that they betook themselves to, and withdrew themselves from, the service of France or Spain, in such manner as his pleasure was they should do."

It was deemed strange indiscretion and folly in them, even by some of the least prejudiced of their judges, to mention in that conjuncture,³ "the unworthiness and

² Clarend. Life, p. 201. ³ Ib. p. 202.

cabins, none but very aged men and women and children (and those with the prophet might have complained, "we are become as a bottle in the smoak, our skin is black like an oven, because of the terrible famine,") were found in them. I have seen those miserable creatures plucking stinking carrion out of a ditch, black and rotten; and have been credibly informed, that they digged corpses out of the grave to eat. But the most tragical story I ever heard, was from an officer commanding a party of horse, who, hunting for tories (Irish) in a dark night, discovered a light, which they supposed to be a fire which the tories usually made in these waste countries to dress their provisions and warm themselves; but drawing near, they found it a ruined cabin, and besetting it round, some did alight and peep in at the window, where they saw a great fire of wood, and a company of miserable old women and children sitting round about it, and betwixt them and the fire a dead corpse lay broiling, which as the fire roasted they cut off collops and eat." Colonel Laurence's Interest of Ireland, 2d part, p. 86, 87.

and incapacity of those, who for so many years had possessed themselves of their estates, and sought then a confirmation of their rebellious title from his majesty; or to insinuate, that their rebellion had been more infamous, and of greater magnitude than that of the Irish, who had risen in arms to free themselves from the rigour and severity that was exercised upon them, by some of the king's ministers, and for the liberty of their consciences, without having the least intention or thought of withdrawing themselves from his majesty's obedience, or declining his government;^b whereas the others had carried on an odious rebellion
against

^b Lord Clarendon's Life and Memoirs, from which these passages are cited, is a posthumous work, written by himself, but not published till within these few years past. In this place he seems to exhibit some symptoms of remorse for that Machiavelian advice, which the Irish ever accused him of having given the king, while the settlement of Ireland was under consideration, viz. "to provide for his enemies, who might otherwise be troublesome, and to overlook his friends, who would always stick to him;" and this advice they ever considered, as one of the principal causes of their ruin. That his lordship did give his majesty some such counsel, on that occasion, and that, after his disgrace, he was heartily sorry for it, appears from the following certificate, which was lately printed in one of the public papers. Memorandum: "The Rev. Mr. Cock of Durham, being at his kinsman's, Sir Ralph Cole, at Banspeth-castle, about the time that Lord Chancellor Clarendon was disgraced, Sir Henry Brabant of Newcastle came thither, in his way from London, and told Sir Ralph and him this passage. That he, Sir Henry Brabant, having been to wait on Lord Clarendon just after his disgrace, his lordship, after telling him how kindly he took that piece of friendship, expressed himself to this effect: 'That there were grievous things laid to his charge; but that he could bear up against all the rest, if his majesty would forgive him but one thing, which was, that he was the person who advised him 'to prefer his enemies, and neglect his friends; since the principles of the latter would secure them to him;' adding, 'that he took that for the cause of his own ruin, and wished it might not occasion that of many others, and at last the king's.'" This is testified by H. Bedford, who had it from the above Mr. Cock. London Chronicle, Decem. 2d, 1773.

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against the king's sacred person, whom they had horribly murdered in the sight of the sun, with all imaginable circumstances of contempt and defiance; and as much as in them lay, had rooted out monarchy itself, and overturned and destroyed the whole government of church and state. And therefore they observed, whatever punishment the Irish had merited for their former transgressions, which they had so long repented of and departed from, when they had arms and strong towns in their hands (which together with themselves, they put again under his majesty's protection), that surely this part of the English, who were possessed of their estates, and had broken all their obligations to God and the king, could not deserve to be gratified with their ruin and total destruction." "It was," I say, "deemed unpardonable indiscretion in the

He seems to have apologized for the above advice to the king, in the following passage of his Life and Memoirs: "Whoever (says he) considers the temper and constitution of the army then on foot in that kingdom (Ireland), and the body of presbyterians that had been disbanded, and remained still there in their habitations, together with the body of adventurers, all presbyterians or anabaptists; and at the same time remembers the disposition and general affection of the army in England, will not wonder that the king endeavoured, if it had been possible, rather to please all, than by any unseasonable discovery of a resolution, how just soever, to make any party desperate; there being none so inconsiderable as not to have been able to do much mischief." Vol. ii. p. 120.

"We feel to this day (says Higgons) the dismal consequences of those councils, which were not more wicked than weak and impolitic. The estates of the Irish who had fought for the king, and followed his fortunes in exile, were confirmed to drummers and serjeants, who had conducted his father to the scaffold." Remarks on Burnet, p. 103-4.

"The treatment of the royal party at this time, will never find belief with posterity: to be neglected was enough, but to see the enemy triumph in their spoils, was more than nature could support. There are instances of some, who were admitted to the royal presence and favour, without being totally free from the blood of the king; while they who had lavished their own in his defence, were suffered to starve in the streets." Id. ib.

the Irish agents, to insist upon these and other well known topics ; and not less so, to give the most distant intimation of their humble hope, ⁴ “ that when all his majesty’s other subjects were by his clemency restored to their own estates, and were in full peace, mirth and joy, the Irish alone should not be exempt from all his majesty’s grace, and left in tears, and mourning and lamentation ; and be sacrificed, without redemption, to the avarice and cruelty of those, who had not only spoiled and oppressed them, but had done all that was in their power, to destroy the king himself and his posterity ; and who now returned to their obedience, and submitted to his government, when they were not longer able to oppose it.”

To this just and affecting state of the case, with respect to both parties, the commissioners from the council and parliament of Ireland, answered only by a false or exaggerated imputation of the crimes of particular persons among the Irish, to the generality of that people ;⁵ and by an impudent revival of former self-refuted calumnies, which, though at this day, they are well known to be such, were then believed, or pretended to be believed, as so many certain and unquestionable truths, by their corrupt, malicious, or ill-informed judges.

C H A P.

⁴ Clarendon’s Life.⁵ Id. ib.

C H A P. XX.

A court of claims appointed in Ireland.

“THE king found,¹ that if he deferred settling the government of Ireland, till a perfect adjustment of all particular interests could be made, it would be very long; he saw that there must be some examination taken there, before he could make his determination upon those particulars, which purely depended upon his own judgment; and so he passed that which is called the first act of settlement; and was persuaded to commit the execution thereof to commissioners, recommended to him by those who were most conversant in the affairs of that kingdom, though none, or very few of them, were known to his majesty.”

These commissioners constituted what was commonly called the court of claims in Ireland,² “but were very ill qualified for such a trust. They were for the most part engaged, by their interests, in the party of the adventurers and soldiers; very many of them were in possession of those lands which others sued for before them; and they themselves bought broken titles, and pretences of other men, for inconsiderable sums of money, which they supported and made good by their own authority. Thus the judges themselves were both parties and witnesses, in all causes that were brought before them.”³

“Such scandalous practices could not be suffered to continue long.³ These commissioners were removed;

¹ Clarendon's Life.

² Id. vol. ii. p. 231. Cart. Orm. vol. ii. fol. 220.

³ Clarend. Life.

⁴ Instructions were sent to the new lords justices, “to send over the names of fit commissioners to execute his majesty's declaration for the settlement of Ireland.” Carte's Ormond, vol. ii. f. 212.

ed; and seven gentlemen, of very clear reputations, appointed in their room; some of them lawyers in very much esteem; and others, persons of very good extractions, excellent understandings, and above all suspicion for their integrity, and generally reputed to be superior to any base temptation."

It was imagined, however, by the same noble historian whom I have hitherto cited, and who has honoured them with this very reputable character, that these new commissioners decided somewhat too partially in favour of the Irish on this occasion;^b "that there was reason to believe,⁴ that the observation they had made of the bitterness and animosities from the English, both soldiers and adventurers, towards the whole Irish nation of what kind soever; the scandalous proceedings of the first commissioners, together with the very ill reputation many of the soldiers and adventurers had for extraordinary malice to the crown and to the royal family; and the notable barbarity they had exercised towards the Irish, who without doubt, for many years, had undergone the most cruel oppressions of all kinds that can be imagined (many thousands of them having been forced, without being covered under any house, to perish in the open fields for hunger);⁵ the infamous purchases that had been made by many persons, who had compelled the Irish to sell their remainders, and lawful pretences, for very inconsiderable

⁴ Ib. vol. ii. p. 230.

⁵ Id. ib.

^b And yet he strangely confesses in the same place, "that many of the Irish, who in truth never had been in rebellion, but notoriously served the king against the rebels, both in England and Ireland, and had never been put out of their estates, now upon some slight evidence, by the interception of letters, or confession of messengers, that they had had correspondence with the rebels (though it was evident that even that correspondence had been perfunctory, and only to secure them, that they might pursue his majesty's service), were condemned, and had their estates taken from them, by the judgment of these commissioners." Life, vol. ii. p. 233. He instances in a long story of Lord Fitzwilliams, a Roman catholic lord, afterwards made Earl of Tyrconnel by Charles II. Ib. p. 233, &c.

inconsiderable sums of money; these," I say, "and many other particulars of that kind, his lordship imagined, might probably dispose these commissioners to such a prejudice against many of the English, and to such a compassion towards the Irish, that they might be much inclined to favour their pretences and claims, and to believe, that the peace of the kingdom might be better provided for by their being settled in the lands of which they had been formerly possessed, than by supporting the ill-gotten titles of those who had manifested all imaginable infidelity and malice against his majesty, whilst they had any power to oppose him." But certainly every candid person will allow, that men of such distinguished integrity and understanding,^c as his lordship admits these commissioners to have been, were not likely to be biased, even by the motives he has recited, to any unjustifiable partiality in favour of a people, with whom they had no manner of connection, and against whom, it is probable, they had imbibed some part at least of those unreasonable prejudices, which prevailed but too generally at that juncture of time.^d

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^c "On the first arrival of these commissioners, some attempts had been made to corrupt them against all pretences that should be made by the Irish." *Clar. Life*, vol. ii. p. 231.

^d These commissioners restoring some Irish, "raised so great a clamour, that the English refused to yield possession upon their decrees, who, by an omission in the act of parliament, were not qualified with power enough to provide for the execution of their own sentences. The courts of law established in that kingdom would not, nor indeed could, give any assistance to the commissioners. And the lord lieutenant and council, who had in the beginning, by their authority, put many into the possession of the lands which had been decreed to them by the commissioners, were now more tender and reserved in that multitude of decrees that had lately passed; so that the Irish were using their utmost endeavours, by force, to recover the possession of those lands which the commissioners had decreed to them; whilst the English were likewise, by force, resolved to defend what they had been so long possessed of, notwithstanding the commissioners determination. And the commissioners were so

C H A P. XXI.

The conditions of the innocency or nocency of the claimants.

BUT although the commissioners of the court of claims were thus happily changed, the rigorous conditions of the innocency or nocency of the claimants, that had been first resolved upon, were still continued. According to these conditions, to prove a person innocent,¹ it was not enough to shew, that he had never taken arms in the late insurrection, or entered into any treaty or association with those who had; no: for if such a person chanced but to dwell, however inoffensively,

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fensively,

¹ Sale and Settlement of Ireland. Cart. Orm, vol. ii.

so far troubled and dissatisfied with these proceedings, that they declared they would proceed no farther in the execution of their commission, until they could receive his majesty's farther pleasure; and that they might more effectually receive it, they desired leave from the king that they might attend his royal person; and there being at the same time several complaints made against them to his majesty, and appeals to him from their decrees, he gave the commissioners leave to return; and at the same time all the other interests sent their deputies, to solicit their rights; in the prosecution whereof, after much time spent, the Duke of Ormond was called from Ireland to court; at which time a third bill was transmitted from the Irish parliament (the black bill), additional and supplemental to the other two, and to reverse many of the decrees made by the commissioners." Clarend. Life, vol. ii. p. 329.

"The king," says Lord Clarendon himself, "was very tender of the reputation of his commissioners, who had been always esteemed men of great probity and unquestionable reputation; and though he could not refuse to receive complaints, yet he gave those who complained no farther countenance, than to give the others opportunity to vindicate themselves. Nor did there appear the least evidence to question the sincerity of their proceeding, or to make them liable to any reasonable suspicion of corruption; and the complaints were still prosecuted by those who had that taken from them, which they desired to keep for themselves." Ib. p. 231.

fensively, in any of the places occupied by the insurgents, he was to be judged nocent.

This was surely a very hard condition; “for abundance of Roman catholics,” as Mr. Carte observes,² “well-affected to the king, and very averse to the rebellion of their countrymen, lived quietly in their own houses, within the quarters of the rebels; who out of reverence to their virtues, or favour to their religion, allowed them to do so; such of them as had offered to take shelter in Dublin, were by the lords justices banished thence on pain of death by public proclamation, and ordered to retire to their own houses in the country, where they could not help falling under the power of the rebels; and if these suffered them to live there in quiet, an equitable man, who considers the circumstances of those times, and the condition of all countries that are in a state of war, will hardly see any iniquity in the receiving that mercy, or in the unavoidable necessity they were under of living in their own houses, as should bring upon those persons the forfeiture of their estates.”

But of all the marks of nocency established on this occasion, that of having taken the engagement to Cromwell, was the most extraordinary; for that engagement was primarily contrived, during the usurpation, by those very persons,² who, after the king's return, had acquired authority and influence enough to have the modelling and imposing of these rigid conditions. From whence resulted this very shocking injustice and absurdity, peculiar, certainly, to the policy of these times,³ that the original framers and promoters of that engagement, who had themselves voluntarily taken and signed it, and had compelled others to take it, were not only held innocent, but rewarded with great honours, and employments of the highest authority in the state; while those who abhorred it, when it was forced upon them, and never took it but at the last extremity,

² Orm. vol. ii.

³ Sale and Settlement, &c.

² The new Earls of Orrery and Montrath.

extremity, and to avoid a violent and shameful death,^b were condemned as nocent, not only to the loss of their estates, but also to the mortification of seeing them bestowed upon the very authors and imposers of that engagement.

C H A P. XXII.

The time limited for holding these courts found too short, and not suffered to be enlarged.

THE time limited for holding the court of claims was a twelvemonth; but it sat only "from February to August following; during which space, the claims of near a thousand innocents were heard, whereof half were declared innocent, notwithstanding the many difficulties they had to encounter, as well from the rigorous conditions before-mentioned, as from a swarm of corrupt witnesses that were daily employed against them. For the suborning of witnesses at these trials was so frequent and barefaced, that their perjuries were sometimes proved in open court,² by the testimony of honourable persons, who happened accidentally to be present. Sir William Petty boasted, when he had evicted the Duke of Ormond out of some lands before this court, that he had gotten witnesses, that would have sworn through a three-inched board."^a

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^a Cart. Orm. vol. ii.² Id. ib. f. 393.

^b "This engagement was, during the usurpation, forced upon the Irish in so violent and barbarous a manner, that those who refused it, were not only excluded from all benefit of the laws, but were also in imminent danger of their lives from the public orders given to Cromwell's soldiers to allow quarters to no person, whom they should meet in their way, that could not produce a certificate of his having taken it; orders which were cruelly executed, even on poor peasants, when through ignorance or forgetfulness, they had left their certificates behind them." Sale and Settlement of Ireland.

^a Sir William Petty was accused, in the court of claims, of suborning

The time limited for the trial of innocents being expired,³ Sir Richard Rainsford, one of the commissioners, and a man of great probity, thought it reasonable to sue for more time, in order to try the claims of those who could not be heard within the period above-mentioned, and who certainly, had as much right to demand the restitution of their estates, until they were heard and found nocent, as those who had undergone their trials, and been adjudged innocent. “But these,⁴ says Mr. Carte, were left to be ruined, merely for want of that common justice of being heard, which is by all nations allowed to the worst of malefactors.^b The Duke of Ormond,” adds he, “did not think it proper to insert a clause in the bill, in the draught of which he was obliged to have the concurrence of the council, for relief of these unheard innocents.” The duke himself seemed conscious of the injustice of this omission; for in a letter to the Earl of Clarendon on that occasion, he says,⁵ “if you look upon the composition of this council, and parliament, you will not think it probable, that the settlement of Ireland can be made with

³ Sale and Settlement.

⁴ Ubi supra.

⁵ Cart. Orm. vol. iii.

suborning witnesses against Lord Barnwell and thirty-five Irish proprietors; but took care to have his cause brought before his friends in the Irish commons, then sitting, which consisted mostly of men of his own stamp, Cromwellian officers and adventurers, who acquitted him of the charge, on a supposition that the prosecution was malicious, and intended “to blemish and disable such testimonies as should be brought into that court (of claims) against rebels, and particularly against the thirty-five Irish proprietors above-mentioned.” See Com. Journ. vol. ii, f. 281. & alibi.

^b “Of four thousand claims of innocents, entered in that court of claims, the commissioners had not time to hear above six hundred, by the 22d of August, when their commission ended.” Life of Ormond, vol. ii. f. 297.

The Irish commons in their address to the queen (Anne) in 1709, declare, “that the title of more than half the estates then belonging to the protestants, depended on the forfeitures in the two last rebellions” (in 1641 and 1688.) Com. Jour. vol. iii. f. 643.

with much favour, or indeed reasonable regard, to the Irish. If it be, it will not pass; and if it be not, we must look for all the clamour, that can be raised by undone men."

The king had committed the drawing up of that bill chiefly, if not solely, to the Duke of Ormond's discretion.^c His grace therefore was certainly blameable for not inserting the above-mentioned clause, even supposing him to have been merely passive in the omission; but that he was equally active with those of the council, in hindering his majesty to grant further time for trying the claims of so many unheard innocents, will, I fear, be found too evident for the credit of his impartiality or honour.^d

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^c "There was a clause in the (explanatory) act, that all the Irish should put in their claims by a day appointed, and that they should be determined before another day, which was likewise assigned, which days might be prolonged for once by the lord lieutenant (Ormond) upon such reasons as satisfied him." Clarend. Life, vol. ii. p. 227.

^d There was hardly any step taken in England, with respect to the settlement of Ireland, wherein his grace's advice was not sought for, and followed. His friend the Earl of Orrery told him, "that he was assured by good hands, that most of the persons to be restored by name, would be nominated by his grace, though afterwards inserted in the act by his majesty." State Lett. vol. i. p. 184. Lord Orrery's information was very right; for Lord Arlington had before acquainted Ormond, "that his majesty had promised willingly to hearken to his grace's representations from Ireland, concerning the qualifications of those whose merit he should desire to recompence." And in another letter, he expressly told him, "that his majesty had bid him write to his grace to know, what persons he would advise him to nominate to be restored to their estates." And soon after, the same lord sent him a warrant, "which," he said, "he drew up as near as he could to his grace's sense, by which his majesty empowered him to send a list of the names." State Lett. by Brown.

C H A P. XXIII.

*An enlargement of time for hearing all the claimants,
by whom hindered.*

HIS ' majesty, by a letter of February 21st, 1662, to the Duke of Ormond, had (probably at Sir Richard Rainsford's request,) granted an enlargement of time for the trial of those innocents who could not be heard within the year. But he afterwards revoked that grant, at the request of his grace, and the Irish council. This appears from a letter of Lord Arlington to his grace, of the 7th of March following, wherein he tells him,² " that his majesty was surpris'd at reading a letter from him and the council, of the preceding month, relating to the period that ought to be put to the commissioners fitting and determining claims, on account of the contradiction, which that letter contained to what himself had judg'd, upon hearing that point debated in the (English) council ;" but that, " however, his majesty would resume the consideration of it." And accordingly, on the 25th of July following, the same Lord Arlington inform'd his grace and the council, that " the king had actually revoked his grant of the 21st of February at their request and solicitation." For after having told them, that upon receipt of their dispatch concerning his majesty's letter of the 21st of February, directed to his grace the lord lieutenant, for receiving, and admitting, in general, all such persons to put in their claims before his majesty's commissioners in Ireland, as his grace should judge fit, notwithstanding the time limited by the act of parliament was elapsed, he adds,⁴ " that he had acquainted his majesty with their opinion thereupon, and that his majesty had accordingly commanded him to signify to their lordships, that it was his majesty's pleasure, that his said letter

¹ State Lett.

² State Lett. Collect. by Brown, p. 356.

³ Id. ib.

⁴ Id. ib.

letter of the 21st of February should be wholly suspended and laid aside; finding that said letter was gained upon grounds seemingly equitable, though now by their lordships found to be^a inconsistent with the act of settlement." And thus above three thousand persons, who had entered claims of innocency, were not heard, and so were left to be utterly ruined.

For the court of claims being now at an end, that which was called the explanatory bill, put an absolute period to all future hopes of these unheard claimants.^b By that bill, it was enacted,^c "that no person or persons, who, by the qualifications in the former act of settlement, had not been adjudged innocent, should at any time after be reputed innocent, so as to claim any lands, or tenements, thereby vested; or be admitted to have any benefit or allowance of adjudication of innocency;

^c See Acts of Settlement. *Lel.* vol. iii. p. 440.

^a "The king referred the preparing of this bill to Ormond, and the Irish council." *Lel. Hist. of Irel.* vol. iii. p. 435. "But the lieutenant and council were empowered to explain any difficulties, and amend any defects in it." *Id.* ib. p. 442. "Ormond promised to explain and amend, agreeably to the wishes of the commons." *Id.* ib. These commons, as we have seen, "were, for the most part Cromwellian rebels, independents, anabaptists, and levellers; and, by the appointment of the regicides, actually possessed of the estates of the Irish."

Lord Arlington, in a letter to the Duke of Ormond, June 27th, 1663, says, "As for the letters granted by his majesty for restoring innocent papists to their dwellings, &c. in corporations; 'tis true, they have been gotten from his majesty by much importunity for particular persons, but upon your grace's representation of the inconveniencies that may, and will arise from them, his majesty resolves to be very tender of granting the like for the future." *State Lett.* by Brown, p. 290.

^b "Thus every one remaining of those numerous claimants, whose causes had not been heard, was entirely cut off. They complained of perjury and subornation in the causes that were tried before the court of claims; but their great and striking grievance was, that more than three thousand persons were condemned without the justice granted to the vilest criminals, that of a fair and equal trial." *Lel. Hist. of Irel.* vol. iii. p. 440.

innocency; or any benefit of articles whatsoever.⁵⁵ “ This bill (which the Irish called the black act) was brought over to Ireland, signed and sealed, by the Duke of Ormond himself. ”

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⁶ Walsh's Hist. of the Irish Remon. f. 568.

“ By this act, Ormond is said to have got the city of Kilkenny, and six other corporate towns, together with their lands and liberties, valued by himself and his friends of the council but at 60,000*l.* though they are well worth 120,000*l.*” Unkind Defenter, p. 165. By the same act, three hundred thousand pounds were to be raised on his majesty's subjects of Ireland, one hundred thousand of which was for his grace. Queries, Unkind Defenter, &c. p. 168. Quere, 17th, “ Whether the Duke of Ormond's gifts and grants amount not to 630,000*l.* and whether this sum would not have satisfied all the English interest of Ireland, and have settled the protestants and well-meriting natives of that kingdom in peace; whereas now his majesty, and all Christendom is troubled with their clamours against the breach of public faith.” Ib. p. 169. “ The Duke of Ormond's estate was much incumbered, and his rents before the rebellion, exceeding not 7000*l.* per ann. and during the war he got more by his government of Ireland, and giving up Dublin, than he could if he were in possession of his estate.” Id. ib.

Although this explanatory act was so contrived, as fully to answer all the predatory purposes of it, yet the commons thinking the tenure of their usurped possessions still insecure, petitioned his grace for a further explanation of some parts of it; and particularly of the vesting clause, “ for by that clause (they say) they find such lands are vested in his majesty, as have been since the 23d of October, 1641, seized, &c. by reason of, or on account of the late rebellion or war; that the petitioners cannot but take notice, that in some actions that have been depending in some of his majesty's courts of justice in this kingdom, wherein the former act of settlement hath been given in evidence, a doubt hath been raised from these words, ‘ By reason of, and on account of, the rebellion or war, whether it be not necessary for the making out of his majesty's title by the said act, to bring direct proof that the former proprietors of the lands so seized, &c. were in the rebellion or war.’ That from thence jurors, in some cases, have taken the liberty to find verdicts wholly contrary to the scope and intent of the said bill. And that the petitioners do not find that the said clause is so explained in this bill, but that the same doubts may hereafter continue, and that his majesty's protestant subjects may be put upon the necessities of making such proof, as by the preamble of the said former act seems

The articles above intended, of which the Irish were to receive no benefit, were those of the peace of 1648; on the conclusion of which, Ormond himself, then lord lieutenant, declared by proclamation, in his majesty's name, "that all persons rendering due obedience to the said peace should be protected, cherished, countenanced, and supported, according to the true intent and meaning of the said articles."

I must here observe, that the king was so sensible of his obligation to perform his part of the articles of that peace, that mentioning it in his declaration for the settlement of Ireland,^d which was to be the foundation and ground-work of these acts, he used the following remarkable

seems impossible to be made, &c." To this petition his excellency returned so gracious and satisfactory an answer, that the commons not only voted, "nem. con. that upon the confidence and assurance the house had received from his grace's said answer, they would proceed to put the question for passing the said bill." Com. Jour. vol. ii. f. 388. But also ordered, "that the speaker with the whole house, should wait upon his grace, to know when he would be pleased to receive their most humble, hearty, and thankful acknowledgments for it." With which message his grace was so well pleased, that by his secretary, Sir George Lane, he sent answer to the commons, "that although it was then late, yet he would order dinner to be put back, and would be ready to receive the house immediately." Com. Jour. vol. ii. f. 388.

^d In his majesty's declaration for the settlement of Ireland, about five hundred gentlemen, who had faithfully served him abroad, were named to be restored to their estates in that kingdom; yet it appears, that in the province of Ulster, but three of the natives were restored, viz. Lord Antrim, Sir Henry O'Nial, and one more of an inconsiderable estate. In the province of Connaught but four were restored, viz. the Earl of Clanrickard, the Lord Mayo, Colonel John Kelly and Colonel Moore. Sale and Settlement of Ireland.

On the other hand, "the Lords Montrath and Massareen (two most inveterate parliamentary rebels) had got into their hands most of the lands of the counties of Dublin, Louth and Kildare, and the barony of Barrimore; and the lords justices, to stop the clamours of the Earl of Fingall, and others who were not restored according to their orders, were forced to give them pensions out of the Exchequer, which just enabled them to subsist." Cart.Orm. vol. ii.

remarkable words: "We⁷ cannot but hold ourselves obliged to perform what we owe, by that peace, to those who have honestly and faithfull performed what they promised to do, though both we and they were miserably disappointed as to the effects of those promises." Nor did any of the dispossessed Irish then claim the benefit of it, but such as were conscious, and could produce authentic and undeniable proof (some of them by appealing even to his grace's knowledge) that they had all along faithfully observed the conditions of it. And these, surely, had an incontestable right to the benefits of a peace "which, as Lord Castlehaven witnesseth,⁸ they had sealed and confirmed with the blood of more than twenty thousand of their best men, who lost their lives to maintain it; refusing, in the mean while, all offers of peace, and that to the very last, from the English parliament."^e

Their agents before the king and council in England, "demanded (says Clarendon, who was present) the benefit of two treaties of peace, the one in the late king's time, and confirmed by him (1646), the other confirmed by his majesty, (1648) who was present; by both which they said, they stood indemnified from all acts done by them in the rebellion, and insisted upon their innocence since that time, and that they had paid so entire an obedience to his majesty's commands whilst he

⁷ See that Declaration. Acts of Settlement.

⁸ Memoirs, first edit.

^e i. e. While they could keep any considerable number of their people together; for even Borlase "confesses, that while their assembly continued, such terms were tendered to, and refused by, the confederates, as were agreeable to a conquering army to give (such as that of the usurpers then was) to a broken scattered party as the confederates were." But "being then (1652) reduced to bogs and woods, as their best holts, the terms so offered, and rejected by the assembly, when together, were soon after embraced by all of them, when scattered and divided into parties; on which they submitted, and laid down their arms; having by the conditions, liberty to transport themselves into foreign parts, or to stay in the kingdom." Hist. of the Irish Rebel. f. 385-6.

he was beyond seas, that they betook themselves to, and withdrew themselves from the service of France and Spain, in such manner as his majesty signified his pleasure they should do. And (adds my author) if they had ended their speech here they would have done wisely.”⁹ This made an impression on his majesty and many of the lords.¹⁰

C H A P. XXIV.

Some reflections on the foregoing acts.

BUT matters were now so strangely altered, that the very claiming the benefit of that peace, was made use of as an argument against their having any right to obtain it; “because,” says Mr. Carte, “such claim was deemed a plain confession of former offences;--- in short the king² now declared for an English interest to be established in Ireland; and considered the settlement of that kingdom, rather as a matter of policy, than justice. He saw, that one interest or other must suffer, and he thought it most fit for the good of the nation, the advantage of the crown, and the security of the government, that the loss should fall upon the Irish.”²

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⁹ Clarend. Life, vol. ii. p. 201.
¹ Orm. vol. ii. Lel. ubi supra.

¹⁰ Id. ib.
² Carte, ib.

² The preceding different conduct of these two parties is thus finely contrasted by that great genius and patriot, Dr. Jonathan Swift, Dean of St. Patrick's Dublin. “Those insurrections (says he) wherewith the (Irish) catholics are charged from the beginning of the 17th century to the great English rebellion, were occasioned by many oppressions they lay under. They had no intention to introduce a new religion, but to enjoy the liberty of preserving the old; the very same which their ancestors professed from the time that christianity was first introduced into this island, which was by catholics; but whether mingled with corruptions, as some pretend, doth not belong to the question. They had no design to change the government; they never attempted to fight against, to imprison, to betray, to sell, to bring to a trial, or to

The Duke of Ormond's consolatory argument, with respect to these despoiled people, in his speech to parliament on passing the first act of settlement, is somewhat remarkable.^a "Those," says he, "that shall be kept out of their antient estates, the inheritance of their fathers, through the defect of their qualifications, and by the all-disposing providence of God, who was not pleased to make them active instruments in this happy change, are delivered from tyrannous confinements, causeless imprisonments, and a continual fear of their lives.^b The good land lies afore them; their industry is at liberty, and they are restored to the freedom of subjects,

Carte, vol. ii. Append. f. 25.

to murder their king. The schismatics acted by a spirit directly contrary: they united in a solemn league and covenant to alter the whole system of spiritual government, established in all christian nations, and of apostolic institution; concluding the tragedy with the murder of the king in cold blood, and upon mature deliberation; at the same time changing the monarchy into a commonwealth."

"The catholics of Ireland in the great rebellion lost their estates for fighting in defence of their king; the schismatics, who cut off the father's head, forced the son to fly for his life, and overturned the whole antient frame of government, religious and civil, obtained grants of those very estates which the catholics lost in defence of the antient constitution, many of which estates are at this day possessed by the posterity of those schismatics; and thus they gained by their rebellion what the catholics lost by their loyalty." Swift's Works, Dub. ed. vol. viii. p. 52.

^b Before the year 1641, "the Irish (says Colonel Laurence) were proprietors of ten acres to one that the English had in Ireland; but, after the act of settlement, these English were in possession, by that act, of four millions five hundred sixty thousand thirty-seven acres.—So that (adds my author) if the majority of proprietors may give the denomination to a country, which usually it doth, Ireland is become West England." Interest of Irel. part ii. p. 50-51.

Mr. Walsli, who was better acquainted with the condition of the Irish before the acts of settlement took place, says, "that the Roman catholics of Ireland were the lawful proprietors, and had been lately the possessors of nineteen parts in twenty of the lands of that kingdom." Reply to a Person of Quality, p. 145.

jects, and the protection of the laws; if an Irish papist be oppressed, they shall relieve him; if the blood of the meanest of them be shed, it shall be strictly enquired after. Let this state be compared with that they were in before the king's restoration, and it will be found that the greatest loser has got something." But all this cajoling amounts to no more than an ostentatious supposition, that his grace's administration of Ireland was not altogether so unjust, tyrannous and bloody, as that of the regicides, his now favoured predecessors in the government of that kingdom. And the difference will appear still less, when it is considered that the innocent sufferers under Cromwell, had at least the comfort of a remote, but reasonable hope, that justice might be one day done them on his majesty's restoration; but of this, their only remaining prospect, they were then totally deprived, under Ormond, by this explanatory bill.

"It will be difficult,"⁴ says a contemporary writer, "to persuade those who were not eye-witnesses of the fact, that the royal authority of a christian king, which in one part of his dominions maintained the peer in his dignity, the commoner in his birth-right and liberty; which protected the weak from the oppression of the mighty, and secured the nobility from the insolence of the people; and by which, equal and impartial justice was distributed to all; should, at the same time, be made use of, in another part of his dominions, to condemn innocents before they were heard, to confirm unlawful and usurped possessions, to violate the public faith, to punish virtue, and countenance vice, to hold loyalty a crime, and treason worthy of reward; in a word, to exempt so many thousands of faithful and deserving subjects, from a general pardon, which, by a mercy altogether extraordinary, was extended to some of the murderers of his royal father!"

"Colonel Talbot,⁵ afterwards Duke of Tyrconnel, suspecting the Duke of Ormond to have done ill offices
to

⁴ Sale and Settlement of Ireland.

⁵ Cart. Orm. vol. ii.

to the Irish on this occasion, expostulated with his grace in so huffing a manner, that it looked as if he meant to challenge him; and his grace, waiting upon his majesty, he desired to know if it was his pleasure, at this time of day, that he should put off his doublet to fight duels with Dick Talbot; for so he was usually called. Talbot hereupon, was sent to the tower, but after some time was released upon his submission."

C H A P. XXV.

A dangerous conspiracy of the puritans.

THE consciousness of having done a wrong is ever attended with some fear of resentment from the party injured. Such was the Duke of Ormond's situation at this juncture, with respect to the despoiled Irish.¹ "He had spies and intelligencers in every part of Ireland, who served him so well, that there was not the least motion among them, but it came to his knowledge." Complaints, indeed, that wretched privilege of sufferers, were heard from all parts; but no traces of a conspiracy, nor even endeavours for redress were any where discovered. The case was very different with those rebellious sectaries, who had got possession of their² estates. For upon the restoring of a few innocents, legally adjudged such,² "they conceived such
resentment

¹ Cart. Orm. vol. ii.² Id. ib.

³ "I confess (says Lord Arlington in a letter to Ormond on this occasion) it will be a hard matter to be very secure of those who see their estates enjoyed by other men, till time hath accustomed them to such digestion." State Let. by Brown, p. 408.

"This country (Ireland)," says the Earl of Essex, lord lieutenant in 1675, "has been perpetually rent and torn since his majesty's restoration. I can compare it to nothing better, than the flinging the reward, upon the death of a dear, among a pack of hounds, where every one pulls and tears where he can for himself; for, indeed, it has been no other than a perpetual scramble." State Lett. p. 334.

resentment against the government, for not having divided the spoil of the whole nation among them, that they entered into two dangerous conspiracies on that account ; first, in 1662,^b to surprize the castle of Dublin, and afterwards in 1665, for a more desperate purpose. For, at this latter period, there was a general design concerted in England, Ireland and Scotland, to rise at one time, and to set up the long parliament, of which above forty members were engaged. Measures had been taken to gather together the disbanded soldiers of the old Cromwellian army ;^{3 c} and Ludlow was to be general in chief. They were to rise all in one night, and to spare none that would not join in the design ; which was to pull down the king, with the house of lords ; and, insteads of bishops, to set up a sober, and painful ministry." In these conspiracies several⁴ presbyterian ministers, and seven members of the Irish parliament, were found to be⁵ engaged. The prisons of Dublin were⁶ crowded with these ministers ; and the members of parliament were ignominiously expelled.

Lord

³ Orrery's State Lett. vol. i. p. 225. ⁴ Cart. Orm. vol. ii.

⁵ Com. Jour. vol. i.

⁶ Carte ubi supra.

^b The Duke of Ormond, in order to quiet the fears of these rebellious sectaries, in a letter to the speaker of the Irish commons, March 9th, 1662, very pertinently reminds them, " that the support and security of a true protestant English interest, was the earnest desire of his majesty, and the assiduous endeavour of him his servant, would clearly appear, when it should be considered, how the council and parliament were composed ; and withal if it be remembered of whom the army consisted ; who were in judicature in the king's courts ; who were appointed by his majesty for executing the act of settlement, and who were in magistracy in the towns and counties ; in which trusts, adds he, is founded the security, interests, and preference of a people." Com. Jour. vol. ii. f. 299. These were almost to a man, either notorious promoters or secret abettors of the late usurpation and regicide.

^c " Vast sums of money (says Lord Orrery) were levied for the carrying on this conspiracy, and they had corrupted the most part of the soldiers that were in any freeholds ; these freeholds they were to surprize, and to put all that opposed them to the sword." State Lett. vol. i. p. 225-6.

Lord Orrery, from whom this account is mostly taken, has confessed a truth on this occasion, which he certainly never intended should be made public. In a private letter to the Duke of Ormond, he tells him, “that⁷ he had brought over Captain Taylor, one of the leaders in this latter conspiracy, to make confessions to him; and that he had, as well as he could, laid open to him, the inexpressible mercy of his majesty to that vile party he had engaged himself with; not only in pardoning to them their past crimes, but also giving them the lands of many who had served under his royal ensigns abroad, to pay the arrears which had been contracted against his service at home.” Such, in those days, were confessedly the rewards of loyalty, and the punishment of rebellion in Ireland!

C H A P. XXVI.

The Duke of Ormond apologizes for the favour he had shewn to the Cromwellian party in Ireland.

THE Duke of Ormond’s strange partiality^a in favour of the partizans of the late usurpers, to the ruin of so many thousands of his majesty’s loyal, innocent, and meriting subjects, is thus more strangely accounted for

⁷ State Let. vol. i. p. 226.

^a A remarkable instance of this partiality we find in one of his grace’s letters to John Walsh, Esq; one of his commissioners. “You know,” says he, “what my instructions have been to my commissioners and servants: to give up, even whilst I might legally do otherwise, whatever I was possessed of, which was but set out to adventurers or soldiers, though they had not cleared their title in the court of claims.” Cart. Orm. vol. ii, Append. fol. 34.

This partiality will appear still more strange, when it is considered, “that his grace was the first of that family of the Butlers, that was educated a protestant; that his mother Lady Thurles, his brothers, sisters, and all his relations continuing Roman

for by himself. Having, in his speech to parliament on passing the first act of settlement, given a most odious and shocking description of these usurpers, as "murderers" of his majesty's father, and usurpers of his inheritance; whose endeavours were incessant to destroy his person, and to blast his fame; who drove him into exile, and all the afflicting circumstances of that miserable state of a king." He thought fit in a subsequent speech to the same parliament, on passing the explanatory act, to observe, "that it might seem liable to some objection, that whilst he declaimed against the proceedings of these men, he yet undertook to see them ratified." After which, he ludicrously, and as if he were sporting with the destruction of a whole people, adds, "to this I shall only for the present say, that unjust persons may sometimes do justice; and for instance, I will assure you, that Ireton,^b at Limerick, caused some to be hanged that deserved it almost as well as himself."

Thus, according to the Duke of Ormond's casuistry, Ireton's supposed merit in hanging up some catholics at Limerick (obnoxious perhaps to his grace, though
 VOL. II. K otherwise

^a Borl. Hist. of the Irish Rebel.

Roman catholics, still remained in the Irish quarters during the late insurrection; and such of them as were able to bear arms, as Lord Muskerry, Colonel Fitzpatrick, his brother-in-law, his brother Colonel Butler of Kilcash, and Colonel George Mathews, and others his relations, as the Lord Mountgarret, Dunboyne, and divers other lords and gentlemen of his name and family, were generals or commanders of lower quality in the army of the confederates." See Earl of Anglesea's Let. to the Earl of Castlehaven, p. 62.

^b This regicide, "with his own hand, wrote that precept which was sent out under the hands and seals of the others, on the 8th of January 1648, for proclaiming their court for trying his majesty, to be held in the painted chamber on the 10th of the same month." Trial of the Regicides, p. 10.

"He was once determined to destroy all the inhabitants, men, women and children of a whole barony in Ireland." Morrice's Life of Orrery, p. 33.

otherwise good subjects^c), entitled that regicide's vile adherents to be legally invested with the estates and properties, of so many thousands of the innocent and loyal natives; and that too in breach of articles, by which his grace had solemnly engaged to see these natives restored.

But

^c The chief of those executed at Limerick by Ireton's order, were the titular Bishop of Emely, Major General Purcell, Sir Geoffry Baron, Sir Geoffry Gallway, and the mayor of that city. These Ireton caused to be put to death, in revenge for their noble perseverance in defending that city, though infected with the plague, for his majesty. "Ireton had sent in articles of surrender, in which he insisted that about seventeen of the principal persons of the place, who were still for holding it out, should be excepted (from mercy). But these made so strong a party, that the treaty was broke up, without any agreement. But the town being afterwards surrendered (by the treachery of Colonel Fennel), the Bishop of Emely, Major General Purcell, &c. were taken in the Pest-house, where they were hid." Ludlow's Memoirs, vol. i. p. 370, &c. Ireton himself, a few days after he had taken Limerick, caught the infection, and died of it there. Ludlow, from whom the above is cited, was one of the judges of that court-martial, which condemned these gentlemen.

The very words of the 2d article of the surrender of Limerick are, "But whereas through the practice of some persons, more eminent and active than the rest, the generality of the people (of that city) were partly deluded and deceived, by keeping them in vain expectations of relief from one time to another; and partly overawed and enforced by their power to concur, and contribute thus long to the obstinate holding out of the place: therefore the persons hereafter named, which are Major General Hugo O'Neil the governor, Major General Purcell, Sir Geoffry Gallway, Lieutenant Colonel Lacy, Captain George Wolfe, Captain Lieutenant Sexton, the Bishop of Emely, John Quillan, a Dominican Friar, Capt. Laurence Welsh, a Priest, Francis Wolfe, a Franciscan Friar, Philip O'Dwyer, a priest, Alderman Dominick Fanning, Alderman Thomas Stretch, Alderman Jordan Roche, Edward Roche, burgesses, Sir Richard Everard, Dr. Higgen, Maurice Baggot of Baggotstown, and Jeffery Baron, being as aforesaid the principal appearing in such practices in this siege and the holding out so long, shall be exempted from any benefit of this article or any article ensuing; and such of them as can be found within the garrison shall be rendered up at mercy, upon the surrender of the

But leaving this frivolous apology to the contempt it deserves, let us now see, if we cannot assign more probable causes of this partiality, from the constant tenour of his grace's conduct, during the whole time of the preceding war, and for many years after his majesty's restoration.

C H A P. XXVII.

The probable motives of the Duke of Ormond's past and present conduct, with respect to the Irish.

TWO grants^a were made to the Marquis of Ormond by the king, soon after the breaking out of the war in 1641; one was the vesting in him all the securities and mortgages upon his estate, formerly made, and belonging to such persons as were, or had been, in the insurrection. The other, was that of the lands held under him, and forfeited to him for breach of conditions. This grant was confirmed by a clause in the first act of settlement, and the estates thus granted contained a prodigious quantity of land,^a which had been granted to gentlemen upon fee-farm, or quit-rents, and military tenures; by which they were oblig-

K 2 ed

^a Cart. Orm. vol. ii. f. 306.

the city; and any such person or persons as shall be found to hide or conceal any of the said excepted persons, or be privy to their concealment or attempt of escape, and not discover to the best of their endeavour to prevent the same, shall be understood to have forfeited the benefit of these articles to themselves." Borl. Irish Rebel. f. 359-60.

"Colonel Fennel," says Lord Castlehaven, "having cowardly or treacherously left the defence of the pass at Killaloe, fled into Limerick with all his party; where, upon the rendition of the town, which happened not long after, Ireton, with more than his ordinary justice, hanged him." Mem. p. 128.

^a It is affirmed that he got as many gentlemen's estates, upon the pretence of a grant of enjoying all lands that he could prove (by witnesses) to have paid him any chiefry, as were worth at least 150,000l." Unkind Desert. &c. p. 166.

ed to follow their lord, the head of that family, upon any occasion of hosting, into the field; and upon failure thereof the lands were forfeited to their lord.”^b

From his grace’s early application for these grants,^c it is evident enough what use he intended to make of them; as also what were the true motives of his backwardness to conclude the cessation in 1643; and of his frequent disobedience to his majesty’s urgent commands to hasten the peace of 1646; of his carrying on, at the same time, a private correspondence and treaty with the Scotch covenanters in Ulster, in opposition to that peace; and of his hindering the Irish to be included in the general act of indemnity, after the restoration, or to be indulged with the necessary enlargement of time, for proving their innocence in the court of claims. From all this, I say, it is manifest that his grace foresaw, that a different conduct in any of

^b “Most of the Marquis of Ormond’s vassals and tenants, far from performing this condition of their tenure, had engaged in the rebellion and fought against him in the field. And king Charles I. to prevent any interfering of the claim of the crown and the rights of the lord, and any litigation of the Marquis of Ormond’s right to those forfeited lands, had, in August 1642, conveyed to him all the right, title and interest which the crown had, or might have, in any of those lands. This was now confirmed by king Charles II. &c.” Cart. Orm. vol. ii. fol. 218.

The same writer, however, tells us, “that his grace had, in the time of the troubles, to raise money for the supply of the army and service of the crown, entered into many judgments, statutes, recognizances, mortgages, and other securities to Roman catholics, who had forfeited the same to his majesty. And that all these were first, by a special grant, and afterwards by the act of settlement, given to his grace as fully as the crown enjoyed the same; but that his grace sent directions to pay the persons who had advanced him the money on these securities, their full demand in some cases, and a just and equal composition in others.” Id. ib. fol. 309. But is it reasonable to believe, that those Roman catholics who had freely lent their money to his grace, with a view of enabling him to subdue the rebels, would afterwards rashly incur a forfeiture of it by promoting or abetting the rebellion?

^c 1642. See Cart. Orm. vol. iii.

of these conjunctures, would have precluded him from some part of that vast emolument, which he expected from these grants, and which he knew, was in the end to be proportioned to the extent, duration, and heinousness of the insurrection.

“ And thus we find his noble friend, the Earl of Anglesey,^d acknowledging in print, in 1681,² “ that it was then apparent, that his grace and his family, by the forfeiture and punishment of the Irish, were the greatest gainers of the kingdom, and had added to their inheritance vast scopes of land, and a revenue three times greater than what his paternal estate was “ before

² Let. to the Earl of Castlehaven. Castlehav. Mem. 1st ed.

^d When the Duke of Buckingham was endeavouring to supplant Ormond in the king's favour, and made overtures to the Earl of Anglesey to join him for that purpose, the “ earl rejected these overtures with indignation, and gave Ormond notice of the designs formed against him.” *Lel. Hist. of Irel. vol. iii. p. 453.* See *Cart. Orm. vol. ii. fol. 482.*

^e A knowing contemporary writer asserts, “ that the annual rents of Ormond's estate before the war, were but seven thousand pounds sterling (his antient estate being then encumbered with annuities and leases, which otherwise was worth forty thousand pounds sterling per annum), and at present (1674) it is close upon eighty thousand. Now the first part of his new great revenues, is the king's grant of all those lands of his own estate which were leased or mortgaged; the rest were grants of other men's estates, and other gifts of his majesty.” His gifts and grants are thought to amount to 630,000*l.* *Unkind Defserter, p. 161-2.* See *Queries. ib. Appen. p. 168.*

The pamphlet containing these queries, was published in England soon after the restoration, but seems not to have been answered by any of the duke's friends either then or for some years after. “ If his grace (says a contemporary author in 1676) or any one for him, can answer the said queries, why is he or they so long silent? they render his integrity suspected, they wound his fame and honour. Certainly, if there were any way to answer them, and prove them false, Father Walsh would, long before now, have spoken it loudly to the world.” *Unkind Desert. &c. p. 172.*

Nor was this silence of the Duke of Ormond and his friends the effect of contempt or disregard of the supposed calumny.

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before the rebellion; and that most of his increase was out of their estates who adhered to the peaces of 1646 and 1648, or served under his majesty's ensigns abroad." From whence his lordship justly concluded, that "his grace could not have been very sincere, in making either of these peaces with the Irish; but that, whatever moved him thereto, whether compassion, natural affection, or any thing else, he was in judgment and conscience against them; and so," adds he, "he has since appeared, and hath advantage by their laying aside."

It is, therefore, no wonder that his grace's noble brother-in-law, Lord Muskerry, when on his death-bed, declared to himself, "that the heaviest fear that possessed his soul, then going into eternity, was for his having confided so much in his grace, who had deceived them all, and ruined his poor country and countrymen."

C H A P.

Unkind Deforter, &c.

The printer of the pamphlet was prosecuted and imprisoned, and two hundred copies seized in his house; and although his poverty and charge of children were very great, yet he would never confess who set him to work; such a confession would have procured him his liberty, but he seemed to slight it, being maintained very well in prison, where he lay for a long time very contentedly, without making any application, or using any means to be bailed or discharged." Carte's Orm. vol. ii. fol. 385.

"My Lord Duke of Ormond," says the Earl of Essex, lord lieutenant of Ireland in 1674-5, "has received above 300,000*l.* in this kingdom, besides all his great places and employments; and I am sure the losses in his private estate have not been equal to those I have suffered (in the preceding civil war), and yet he is so happy as no exception is taken to it." State Lett p. 213-14.

C H A P. XXVIII.

The Duke of Ormond befriends the Irish.

IN the year 1679,^a when so much innocent blood was shed in England, by means of the perjuries of Titus Oates,^b and his flagitious associates, encouraged and patronised by the Earl of Shaftsbury,^c “the peace and quietness of Ireland was a great disappointment

^c Cart. Orm. vol. ii. fol. 494.

^a Such was the people’s abhorrence of popery at this time in England, and so light and excusable in their opinion did a person’s being a protestant, render any other vice that a person might be guilty of, “that when Nell Gwin (Charles II.’s mistress) was insulted in her coach at Oxford by the mob, who mistook her for the Duchess of Portsmouth (another mistress of that king’s, but a papist), she looked out of the window, and said with her usual good humour, Pray good people be civil, I am the protestant w---e. And this laconic speech drew upon her the blessings of the populace, who suffered her to proceed without further molestation.” Graing. Biograph. Hist. vol. iv. p. 189. note.

^b “The notorious Titus Oates (says the Rev. Mr. Grain-ger) was soon after the accession of (king) James, convicted of perjury, upon the evidence of sixty reputable witnesses, of whom nine were protestants. He was sentenced to pay a fine of two thousand marks, to be stripped of his canonical habit, to be whipt twice in three days by the common hangman, and to stand in the pilory at Westminster-hall gate, and at the Royal Exchange; he was moreover to be pillored five times every year, and to be imprisoned during life. The hangman performed his office with uncommon rigour. The best thing James ever did was punishing Oates for his perjury; and the greatest thing Oates ever did, was supporting himself under the most afflictive part of his punishment with the resolution and constancy of a martyr. A pension of four hundred pounds a year was conferred upon this miscreant by king William. He was, for a clergyman, remarkably illiterate; it is well known that he was the son of an anabaptist; and he probably died in the communion in which he had been educated.” Biographic. Hist. of Eng. vol. iv. p. 348.

“ Titus

ment to that earl and his party; and they took all possible methods to provoke and exasperate the people of that kingdom, already too much discontented. For that end, they procured orders from the council of Ireland, to transmit severe bills against the Irish catholics in matter of religion, in hopes to drive them into a new rebellion. It was now proposed to introduce the test act, and all the English penal-laws, into Ireland; and that a proclamation should be forthwith issued for encouraging all persons, that could make any further discoveries of the horrid popish plot, to come in and declare the same."

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"Titus Oates (says the same Biographer) was restrained by no principle, human or divine, and like Judas would have done any thing for thirty shillings; he was one of the most accomplished villains that we read of in history; he had been chaplain on board the fleet, whence he was dismissed for an unnatural crime, and was known to be guilty of perjury before he set up the trade of witnessing; he was successful in it beyond the most sanguine expectation: he was lodged at Whitehall, and had a pension assigned him of 1200*l.* a year. The æra of Oates's plot was also the grand æra of whig and tory." *Id. ib. p. 201-2.*

Some have concluded from the following passage in D'Avaux, that the Prince of Orange had a considerable share in framing this most iniquitous plot: "I presume to declare," says that count, "that I have omitted nothing to discover the combinations that the Prince of Orange has engaged in, with the most abandoned of the English. On the 21st of September, 1679, I sent intelligence that Oates, who has since that time been so notorious; Freeman, of whom I have already spoken; and Du Moulin, a man of intrigue and an execrable villain; arrived together in Holland some years past, and that the Prince of Orange had been in grand conferences with them." D'Avaux, tom. i. p. 32. See M'Pherson's Hist. of Great Britain, vol. i. p. 343. Certain it is, that after that prince became king of England, he attempted to have reversed Oates's sentence; but the commons refused to gratify him in so impious an act. That villain, however, was pardoned and pensioned by his majesty, as above-mentioned.

"On the first report of the popish plot, "Peter Talbot, Archbishop of Dublin, in a dangerous fit of the stone, was imprisoned in the castle. Orders were issued, that all officers should repair to their respective garrisons; that popish ecclesiastics

tics

The Duke of Ormond, then Lord Lieutenant of Ireland, and luckily at that juncture in England, employed all his interest with the king, to prevent the calling a parliament for these cruel purposes.² “I will venture,” says his grace in a letter to the Earl of Arran on that occasion, “to tell you, without a cypher, that the reason why the calling of a parliament in Ireland sticks, is the severity of two bills transmitted against the papists; the one taking away the votes of peers, whilst they are papists; and the other inflicting death upon a certain sort of popish clergy, if found in Ireland; the one seeming unjust, and the other cruel, and neither necessary. For my part, I confess, if I had been here when the expelling of the popish lords passed, I should have voted against it in conscience and prudence; in conscience, because I know no reason why opinion should take away a man’s birth-right; or why his goods or lands may not be as well taken away; since money misapplied is, for the most part, a more dangerous thing in disaffected hands, than a word in his mouth. And I think no less of the other bill, for upon serious and cool thoughts, I am against all sanguinary laws, in matters of religion, purely and properly so called.”³

“It

² Cart. Orm. vol. ii. fol. 535.

tics should depart from the kingdom, popish seminaries and convents should be suppressed. Informations quickly multiplied, and directions were received from England to seize Richard Talbot (afterwards Duke of Tyrconnel), Lord Mountgarret and his son, and a colonel of the name of Peppard. Lord Mountgarret, represented as a dangerous conspirator, was of the age of eighty years, bed-ridden, and in a state of dotage; and, to the further discredit of the evidences, no Colonel Peppard was known or could be found in Ireland.” *Lel. Hist. of Ireland*, vol. iii. p. 474.

³ Previous to, and concomitant with, Oates’s plot, the minds of the people were inflamed by sermons, pamphlets, &c. containing the grossest and most abominable aspersions on the civil principles of Roman catholics. Thomas Barlow, Bishop of Lincoln, eminently distinguished himself on that occasion, in a book of one hundred and thirty-six pages in quarto; which
though

“ It ³ was a terrible slur upon the credit of the plot in England, that after it had made such an horrible noise in a nation, where there was scarce one papist to an hundred protestants, there should not, for a year, be found one witness from Ireland, to give information of any conspiracy of the like nature in that kingdom, where there were fifteen papists to one protestant. But the proclamation above-mentioned, which was published according to the order sent from England, supplied that defect. For upon the encouragement given in it, tories and other criminals, confined in jails,

³ Cart. Orm. vol. ii. fol. 535.

though clearly refuted by Peter Walth, in a letter to his lordship, containing five hundred and ninety pages in octavo, yet is still made use of by all the libellers on that topic, as an inexhaustible fund of arguments against allowing the rights of subjects, in these kingdoms, to the professors of that religion; although their dutiful and loyal conduct affords the clearest refutation of these arguments. This Bishop of Lincoln was not unconscious of the injurious falsehoods he published at that juncture, against those inoffensive people, as appeared by his own subsequent trimming behaviour on different occasions. “ His conduct,” says the Rev. Mr. Grainger, “ for some time, like that of other Calvinists, appeared to be in direct opposition to the church of Rome; but after James ascended the throne, he seemed to approach nearer to popery than he ever did before. He sent the king an address of thanks for his declaration for liberty of conscience; and is said to have written reasons for the reading of that declaration (by the clergy in their churches); his compliances were much the same after the revolution.” Biograph. Hist. of Engl. vol. iv. p. 287.

Anthony Wood informs us, “ that when Oates’s plot broke out, September 1678, though he (Barlow) had been a seeming friend to papists, he became then a bitter enemy to them, and the Duke of York; but that when the duke was proclaimed king, he took all opportunities to express his affection to him; and, among others, writ, as was said, reasons for reading his majesty’s declaration for liberty of conscience. But when the king withdrew himself into France, to avoid imminent danger, in 1688, he was one of those bishops that very readily voted, that he had abdicated his kingdom. He was esteemed by those that knew him well, to have been a thorough-paced Calvinist.” Athen. Oxon. vol. ii. p. 877.

jails, pretended to have great discoveries to make on that head, and obtained their liberty, and had money given them by the government of Ireland, to transport them to England for that purpose; though these wretches knew nothing of the matter, till they were instructed by Mr. Hethrington, Lord Shaftsbury's agent in managing and providing for them."

It may not be unentertaining to the reader, to find here an exact description of these witnesses, left us by the lord lieutenant himself, after his return to Ireland. "At council," says he,⁴ "there is little more to do than to hear witnesses; some come out of England, and some producing themselves here, and all, I doubt, forswearing themselves. Those that went out of Ireland with bad English, and worse clothes, are returned well-bred gentlemen, well-caronated, periwigged, and cloathed. Brogues and leather straps are converted into fashionable shoes and glittering buckles; which, next to the zeal tories, thieves, and friars have for the protestant religion, is a main inducement to bring in shoals of informers." They find it more honourable

² Ib. vol. iii.

^e "I dare not," says his grace in another letter, "say, though it be manifest, that most of our discoveries give more discredit, than confirmation, to the plot. It is well that I am not like to be charged for a plotter or a papist." Carte's Orm. vol. ii. Append.

"There were too many protestants then in Ireland," says Mr. Carte, "who wanted another rebellion, that they might increase their estates by new forfeitures. And letters were perpetually sending into England, misrepresenting the lord lieutenant's conduct, and the state of things in Ireland. The Earl of Anglesey gave the Duke of Ormond, a friendly advertisement of those misrepresentations and suggestions against his proceedings, made by one of the greatest persons in the kingdom, transmitted to several persons in London, and particularly to some members of parliament and of the privy council." Orm. vol. ii. fol. 482.

On the other hand, "some persons to whom the Duke of Ormond's moderation was not agreeable, imagining that he might be driven out of it by the danger of an assassination, dropped

honourable and safe, to be the king's evidence, than a cow-stealer, though that be their actual profession; but as they have not the honesty to swear truly, they want the wit to swear probably."^f

Jones,⁵ Bishop of Meath, who was both the procurer and examiner of these witnesses in Ireland, had been scout-master general to Oliver Cromwell's army.

Yet, upon the bare testimony of the above mentioned notorious miscreants, several of the Irish nobility, clergy and gentry, were at that juncture, either thrown into jails or forced to quit the kingdom. Primate Plunkett (as Bishop Burnet informs us, on the report of the Earl of Essex, who had been lord lieutenant of Ireland, and knew him personally), "was a wise and sober man,⁶ fond of living quietly and in due subjection to the government, without engaging in intrigues of state;" yet he was brought over to England, and condemned, and executed at Tyburn, on the accusation of these suborned witnesses.^g

But

⁵ Cart. Orm. vol. ii. fol. 498.

⁶ Hist. of his own Times, vol. i. f. 230.

dropped letters in the streets of Dublin, insinuating a conspiracy formed for murdering his grace; and several pretended to give an account of what they had heard, or suspected of such a design. Divers examinations were taken, and the duke could not well tell at first what to think of the matter; as it seemed to agree with what was mentioned in general by Oates and Dugdale, whose depositions it was calculated to countenance. But he had too much firmness of mind to be moved by such dark and inexplicable informations as were given, to alter a conduct founded on so much reason, as what he had hitherto observed." Id. ib. vol. ii. f. 481.

^f Alluding to two friars that informed against the titular Primate Plunkett.

^g "Plunkett," says Burnet, "was at this time brought to his trial. Some lewd Irish priests, and others of that nation, hearing that England was then disposed to hearken to good swearers, thought themselves well qualified for the employment; so they came over to swear, that there was a great plot in Ireland. The witnesses were brutal and profligate men, yet the Earl of Shaftsbury cherished them much; they were examined by parliament

But the Duke of Ormond,^b by his great resolution and activity, put a stop to this spreading mischief, not without exposing himself to the danger of being represented by the faction in England, as a plotter or a papist, on that account.

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liament at Westminster, yet what they said was believed. Some of these priests had been censured by him for their lewdness. Plunkett had nothing to say in his defence, but to deny all; so he was condemned, and suffered very decently, expressing himself in many particulars as became a bishop; he died denying every thing that had been sworn against him." Hist. of his own Times, vol. i. f. 230.

^b His grace in one of his letters to England on this occasion, says, "Here is one Owen Murphy authorised to search for, and carry over witnesses, I suppose to give evidence against Oliver Plunkett (the primate.) He has been as far as the county of Tipperary, and brought thence about a dozen people, not like to say any thing material as to Plunkett." Cart. Orm. vol. ii. App.

His grace was urged to imprison all the principal Roman catholics of Ireland at this juncture; but he refused to do it, "because," as he said, "it could not be known, how many might be thus driven to desperate courses." "It was well known," adds my author, "how much the imprisonments, and other severities of Sir William Parsons, had contributed to hurry numbers into the last rebellion; and neither the duke, nor the privy council, deemed it prudent to make another experiment whether the same measures might not be attended with the same effects." Lel. Hist. of Irel. vol. iii. p. 547.

CIVIL WARS IN IRELAND.
A N
HISTORICAL AND CRITICAL
R E V I E W
O F T H E
C I V I L W A R S
I N
I R E L A N D.

B O O K X.

C H A P. I.

*Archbishop King's state of the protestants of Ireland
under king James II. considered.*

MANY and foul are the misrepresentations of Irish catholics, exhibited in Archbishop King's state of the protestants of Ireland under King James II.; and although Mr. Lesley, a learned contemporary protestant divine, has demonstratively proved most of his charges to be either absolutely false, or greatly exaggerated (without any defence or reply from his grace, or his friends), yet the archbishop's book has passed, with applause, through several editions since Mr. Lesley's decease, and is generally quoted as of unquestionable authority, by all writers, foreign and domestic, who have since treated of that part of Irish history; while Mr. Lesley's refutation of it is hardly any where to be met with, having been suppressed by
authority

authority in the first edition of it; and it was then so far stifled in its birth, that it has never since been reprinted.

Instead of taking pains to extol Mr. Lesley's character for veracity,^a or to depreciate that of Dr. King for the want of it, I shall make use of no other argument, for either purpose, but such as will naturally arise from the plain and certain evidence of facts, alleged and vouched by the former, but never disproved, nor so much as contradicted, by the latter.

"No man," says Mr. Lesley,¹ "was, or could be, an higher assertor of passive obedience, than Dr. King had been all his life-time. Even at the beginning of the revolution, he told a person of honour, from whose mouth I had it, "that if the Prince of Orange

¹ Answ. to King, p. 113.

^a It will, probably, be objected to this writer's testimony, that he was a non-juror. But to this objection I shall only answer in the words of Bishop Burnet, on a similar occasion. "I never," says that prelate, "think the worse of men for their different sentiments in such matters; I am sure I am bound to think much better of them for adhering strictly to the dictates of their consciences, when it is so much to their loss, and when so sacred a thing as an oath is in the case. I wish all who had the same persuasions, had acted with the same strictness and tenderness." See Defence of the Bp. of Worcester's Vindic. of the Church of Engl. p. 63.

Dr. Swift's testimony of this writer's merits, in his preface to Bishop Burnet's Introduction to his History of the Reformation, is worthy of notice. "Without doubt," says he, "Mr. Lesley is unhappily misled in his politics; but he has given the world such a proof of his soundness in religion, as many a bishop ought to be proud of. I never saw the gentleman in my life: I know he is the son of a great and excellent prelate, who, upon several accounts, was one of the most extraordinary men of his age. I verily believe, that he acted from a mistaken conscience (in refusing to swear allegiance to king William), and therefore I distinguish between the principles and the person. However, it is some mortification to me, when I see an avowed non-juror contribute more to the confounding of popery, than could ever be done by an hundred thousand such introductions." Swift's Works, Dubl. edit. vol. vi. p. 118-19.

Orange came over for the crown, he prayed God might blast his designs." In a letter to a person of undoubted credit, in the year 1686, he said, "the principle of non-resistance, was a steady principle of loyalty; that it was intolerable for the members of any state, to flee to foreign succours, on pretence that their own governors had made laws against reason, conscience, and justice; yet this is one of his principal arguments, in the book above-mentioned, for justifying the revolution." "What I have above-written," adds Lesley, "I have from the person to whom he wrote it, and if he desires it, his letters shall be produced." But it does not appear that he ever did desire it.

By such feigned assurances of loyalty, which he had often given to king James, after his arrival in Ireland, "that king had once so good an opinion of him," that he had him frequently in private, and trusted him in his affairs; until at last, he found he was holding correspondence with his enemies in England, and in the north of Ireland, and he, thereupon, imprisoned him. But his old friend, Chief Justice Herbert, was so far mistaken in him, that he vouched for him at the council-table, with so much zeal as to say, that he was as loyal a man (to king James) as any that sat at the board; which did retrieve the doctor from some inconveniences, and continued him for some time longer in king James's good opinion."

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^a Lesl. Anf. p. 106.

C H A P. II.

The same subject continued in general.

SUCH is Lesley's uncontroverted account^a of Dr. King, as a subject and a man. His judgment of him, as author of the book in question, is partly as follows.

"I can't say," proceeds he,¹ "that I have examined into every single matter of fact, which this author relates; I could not have the opportunity; but I am sure I have looked into the most material, and by these you will easily judge of his sincerity in the rest. But this I can say, that there is not one I have enquired into, but I have found it false in the whole, or in part; aggravated or misrepresented, so as to alter the whole face of the story, and give it perfectly another air and turn; infomuch, that though many things he says are true, yet he has hardly spoken a true word, that is, told it truly and nakedly, without a warp."^b Mr. Lesley adds this particular caution, for those who peruse that book,² "that where Dr. King seems most exact, and sets his quotations in the margent, that the reader might suspect nothing, there he is to suspect most, and stand upon his guard."

These are heavy accusations, of which, and several others, Mr. Lesley has exhibited many convincing proofs; and more shall be added in the sequel, from

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undeniable

¹ Answ. to King, p. 105.

² Ib. p. 175.

^a Wrote and published his Answer in England in 1692.

^b It was, probably, from a conviction that this charge against himself was just, that his grace in the year 1708, wrote to Dr. Swift on a similar occasion, with respect to a pamphlet he had then published against the dissenters, in the following words: "I wish some facts had been well considered, before vouched; if any one matter in it prove false, what do you think will come of the paper? In short, it will not be in the power of man to hinder it from a warm entertainment." Swift's Let.

undeniable authority. His grace's continued silence under them for more than thirty years, that he survived the publication of this answer, is the more wonderful, on account of his solemn attestation of the sacred name of God, in the conclusion of his book, "that he had not misrepresented or aggravated any thing therein, in prejudice to any body, or out of favour or affection to a party; or insisted on such particulars as might seem to serve no other purpose, but to make his adversaries odious."

C H A P. III.

Particular facts related in Archbishop King's book proved false, concerning popish judges and juries.

BUT to come now to the test of this solemn attestation; I mean his relation of particular facts. Dr. King tells us,¹ that no sooner had the papists of Ireland got judges and juries, that would believe them, but they began a trade of swearing and ripping up, what they pretended their protestant neighbours had said of king James, whilst Duke of York, in the time of the popish plot; and that of these protestants, many were found guilty, and excessively fined; and some of them imprisoned for their fines, not being able to satisfy the king, who seized both their body and estates."

The doctor likewise informs us,² "that these popish judges and juries connived at a wicked contrivance, which was discovered to the very bottom, in the county of Meath, to carry on this trade of swearing against all the protestant gentlemen in the country."

But unfortunately for Dr. King's credit, as an historian, that eminent and zealous protestant nobleman,
Henry

¹ State of the Protestants, &c. p. 75.

² Ib. p. 76.

Henry Earl of Clarendon,^a lord lieutenant of Ireland in 1685, has left us a very different account of the behaviour of these popish judges and juries, on that occasion. He tells us, “that when these popish judges went to the assizes in the county of Down and Londonderry, where many considerable persons were to be tried for words formerly spoken against king James,¹ they took as much pains as it was possible, to quiet the minds of the people, wherever they went; and that they took care to have all the iuries mingled half English half Irish.” And particularly with respect to the county of Meath, where Dr. King tells us they principally connived at this wicked trade of swearing, his lordship adds,⁴ “that Judge Daly^b (one of these
L 2 popish

¹ State Let. Dub. ed. vol. i. p. 326. ⁴ Ib.

^a “All the Irish protestants,” says Mr. Lesley, “speak exceeding good things of Lord Clarendon. They never parted with any chief governor with so much regret; and, as I have been told, none courted him more than Dr. King, who was admitted one of his chaplains.” Answ. p. 132.

His lordship himself suspected, that he was recalled from the government of Ireland, on account of his religion. “If,” says he, “my being a protestant be the cause of my ill usage, I am so far from being troubled, that I look upon it as a great honour to be found worthy to suffer for my religion.” State Let. vol. ii. p. 158.

Harris informs us, “that he was so much depended upon by the protestants of Ireland, that after the Prince of Orange’s arrival in England, they made all their applications to him, through his lordship.” Life of K. William, f. 187.

That the Roman catholics of Ireland did not think him partial in their favour, appears from one of his excellency’s letters from Waterford, September 12th, 1686, wherein he says, “Lord Tyrone came to see him there, and had continued with him all the time of his being there; but that not one of the other Roman catholic gentlemen had been with him. And that none of the Roman catholic inhabitants of that city (though there were there some pretty considerable merchants) had taken notice of him.” State Let. vol. i. p. 402.

^b Lord Clarendon, in a letter to Lord Sunderland, has the following passage: “It is thought fit I should recommend men to some towns (where it is doubted the election may not be good)

popish judges) did, at the assizes of that county, enlarge much on the unconscionableness of indicting men upon words spoken so many years before; that he told the jury, that most of those then charged before him in court, could give a good account of themselves, and were well known in the countries where they lived, and that thereupon the juries, the major part of whom were Irish, acquitted them;" that Mr. justice Nugent (another popish judge)⁵ "made the same declaration at Drogheda, where several persons were tried for words, upon bills found at the former assizes; and that they were all acquitted, except one man, who was found guilty and fined five pounds."

But who would suspect this impartial writer to have known, while he was committing these falsehoods to the press, that Lord Clarendon had, by king James's express command, published a⁶ proclamation, so early as July 1686, (the popish judges were made⁷ only in April preceding,) "forbidding all prosecutions of that kind; and ordering, that no person should be accountable for any words spoken against his majesty, at any time before his accession;" which proclamation his excellency immediately sent off to the judges, then on their circuits. Yet these known facts, Dr. King has disingenuously suppressed; for no body, I think, will have the hardiness to pretend, that he, who was one of his lordship's chaplains, and a busy enquirer into all the transactions of that time, could possibly be ignorant of a matter so notorious as this proclamation must have then been in every part of Ireland.

C H A P.

⁵ State Lett. Dub. ed. vol. i. p. 326.

⁶ Id. ib. p. 324.

⁷ Id. ib. p. 162.

good) for mayors, and sheriffs, and for common-council-men: in such cases I advise with those who are best acquainted in these towns; particularly with justice Daly, and others of the king's council of that persuasion; and the lists of names those men give me, are always equal, half English half Irish; which, they say, is the best way to unite, and make them live friendly together." State Lett. vol. ii. p. 319.

C H A P. IV.

The execution of Captain Ashton.

THE hanging of one Captain Ashton for murder, is another of Dr. King's instances of the cruelty and injustice of these popish judges and juries. "The papists," says he,^{*} "might kill whom they pleased, without fear of the law, because they had popish judges and juries on their side; but if any killed or hurt them, they were sure to suffer."^a And then he complains, that Ashton was hanged for killing a papist; who, he says, "abused his wife in the street." What the nature of the abuse was, or whether it was by words or actions, he does not inform us; from whence we may probably conclude, that it was not of a very heinous nature; and that the doctor would insinuate, that the killing of a papist, though but upon a slight provocation, ought not to be punished, as a capital offence.

But

^{*} State of the Protest. p. 47.

^a There is a passage in Lord Clarendon's letters, which demonstrates a very different disposition in these popish judges towards protestants, from what Dr. King has imputed to them. "Upon a full hearing," says his lordship, "at the council-board, there was a complaint of the commissioners of the revenue proved against a justice of peace, who had discountenanced a collector of the excise in the execution of his office. When the board came to deliberate what to do, this," adds his lordship, "is remarkable, that several of our new Roman catholic counsellors, though the justice was an Englishman, and a protestant, were for putting off the business, and particularly the three new (popish) judges said the gentleman would be more careful for the future." State Lett. vol. i. p. 292. His excellency also takes notice of the singular modesty of these popish judges, when they were made privy counsellors; and says, "they were almost out of countenance on that occasion; that they thought it would bring envy upon them, when it was not needful; they being, every way, as well qualified to do the king all possible service, without the burden of that honour." Ib. 231.

But we find that Lord Clarendon, in whose time it happened, thought very differently of this affair. For his lordship informs us, that at that gentleman's trial,² "care was taken to have a good jury; but that they brought him in guilty; that great intercession was made with himself in his behalf; but that, in good earnest, the fact was so horrid, and so fully proved, and the captain had so little to say for himself, that he did not think him a fit object of the king's mercy." His lordship adds,³ "that the pannel was made up of the best men in the city; that is," says he, "men of the best reputation and credit, without regard to religion; and that there were as many of the one persuasion as of the other returned; that the captain excepted against as many of the jury as the law allowed him, who were all Roman catholics; but that the rest, who were very honest men, regarded nothing but the evidence and their oaths."

Even Chief Justice Nugent, a papist, and one of the judges before whom this unhappy man was tried, and to whom Dr. King has been pleased to give a most profligate character,⁴ "had been with his excellency, and desired he might intercede with his majesty, that he would be pleased to bestow the captain's estate upon his wife and children." Which, for any thing I have found to the contrary appears to have been done.

C H A P. V.

*The affair of the Quo-warrantos against the corporations
not truly stated by Doctor King.*

BUT these popish judges, not content with taking away the lives and properties of protestant individuals, conspired, it seems, with the popish lawyers, to destroy whole corporate bodies, by issuing *quo-warrantos* against their charters; although (if we believe Dr. King)

² State Lett. p. 196.

³ Ib.

⁴ Id. ib. p. 204.

King)¹ “there was not one of these corporations found to have forfeited, by a legal trial; so that all the corporations in the kingdom were dissolved without any reason, or pretence of abuse of privilege.”

“But² will any man believe, that lawyers (and some of them,³ this author acknowledges, understood their profession) would bring a *quo-warranto* against a charter,^b and not so much as pretend any abuse,^c or forfeiture?”

¹ State of the Protest. p. 68.

² Lesley's Answ.

³ “Nangle (attorney general) arrived to a good perfection in the study of the law, and was employed by many protestants.” King's State of the Protestants, &c. p. 55. “Mr. Stephen Rice was (to give him his due) a man of the best sense among them (the popish lawyers), and well enough versed in the law.” Ib. p. 54. “It was before him (when chief baron of the Exchequer) all the charters in the kingdom were damned.” Id. ib. Mr. Daly (afterwards judge) though a Roman catholic, yet understood the common law well, and behaved himself impartially.” Ib. p. 55.

^b “The several corporations in Ireland having forfeited their charters by miscarriages, misdemeanors, and other offences during the rebellion in 1641, and since, Charles II. had empowered his chief governor of that kingdom to grant new charters to such of these corporations as he should think fit; and for such of them as should not make application for renewing their charters, to issue *quo-warrantos* against them for avoiding the same. And King James being informed that very few had made such application, directed his deputy Tyrconnel to cause these *quo-warrantos* to be issued, by which their former charters were made void, and new ones given them with additional franchises.” See Harris's Life of King William. It appears from Lord Clarendon, “that King James's intention in all this was nothing more than that religion should be no hindrance to the natives from enjoying the benefit of being freemen, and holding offices, as the rest of his subjects did.” State Lett. vol. ii. p. 8.

But Dr. King was of a different opinion, and would have that benefit monopolized in the hands of protestants alone, excluding the papists from freedom, and votes in the corporations.” State of the Protest. p. 66.

^c “Upon much less provocation, Capel Earl of Essex, lord lieutenant of Ireland, (that celebrated champion for liberty, and who was said to have fallen a martyr to it) thought the bringing of *quo-warrantos* against the charter of Dublin necessary. That chief governor, in a letter to Secretary Coventry, in 1674-5, on occasion of a trifling dispute between the aldermen and commons

forfeiture? Of Mr. Nangle, the then attorney general, who was chiefly employed in that business, Lord Clarendon makes very honourable mention in several of his letters, and in one of them mentions him,³ “as a man of great knowledge, very able in his profession, and of the best reputation for learning, as well as honesty, amongst that people.”^d

But Dr. King’s precipitate passion, or rather prejudice, against these popish judges and lawyers, seems to have so far transported him, that he has entirely mistaken, or misrepresented, this transaction. “Lord Tyrconnel,”^e he tells us, “knowing that the protestants would not give up their charters, did endeavour to prevail with them, to admit papists to freedom and offices in their corporations, that, by their means, he might have their charters surrendered;”^e but,” adds he, “the resolution of the lord mayor of Dublin spoiled that design, and forced the king to bring *quo-warrantos* against them.” Harris, in his life of King

³ Vol. i. p. 72. vol. ii. p. 373.

⁴ State of the Protest. p. 67.

mons of that city, says, “in my own thoughts, I am of opinion, and have been long so, that nothing will reduce this city to a due composure, unless it be the avoiding their charter by *quo-warranto*, and granting them a new one; for the body of the commons are so numerous, and most of them being extreme poor men, are continually mutinous and factious; whereas, if they had a new charter, and the number reduced to fewer, and those named out of the most substantial chief trading men of the city, whose interest it is to be quiet, I am confident, it would be the only way to bring them into order and peace.” Essex’s Letters, p. 114.

^d And in another letter of May 30th, 1686, he says, “in the list of the persons added to the privy council, I find Mr. Richard Nangle; he is a very learned and an honest man.” State Lett. p. 226.

^e Dr. King, was so ridiculously prejudiced against such natives of Ireland, as were afterwards appointed to city-offices under Tyrconnel’s government, that not content to represent them as poor and unworthy, (the contrary of which can be proved) he tells us, “their very names spoke barbarities.” State of the Protestants, p. 69. So much it seems were the doctor’s delicate ears offended with the harsh sound of Irish surnames.

King William, has retailed this story from King, and dates it in the year 1686, in the mayoralty of Sir John Knox. But it is manifest, from Lord Clarendon's authentic account of these matters, that the lord mayor and aldermen of Dublin, and many other corporations, had been prevailed upon before Tyrconnel's time, to admit papists to freedom and offices among themselves ;⁵ " for his lordship had himself dispensed with no less than fifteen Roman catholic merchants of Limerick, according to the king's order, from taking the oath of supremacy, when admitted to the common-council of that city : and, in a letter to Lord Sunderland, July 6th, in this very year, his excellency says,⁶ " that he had sent letters to all the corporations for giving their freedoms to all the Roman catholics as to his majesty's other subjects, without tendering them the oath of supremacy ; and for presenting to him such as should be chosen into offices, that he might dispense with their taking the said oath according to the rules ; that he had then received returns from about twenty of the corporations, all full of duty and obedience ; and that, in some places, where they had two bailiffs, which are there the chief magistrates, they had, without any contest, chosen one of each religion."

And although, in the year 1686, some seeming opposition, in that respect, was made by the lord mayor and aldermen of Dublin ; or rather, as Lord Clarendon expresses it,⁷ " not so speedy a compliance given to the king's commands as he expected ;" yet it is by no means true, that they were so very resolute, or uncomplying in that particular as King and Harris have represented them. On the contrary, it appears, that they afterwards not only complied with the king's orders, but also made a proper and reasonable apology for their not having done so sooner. For his excellency having⁸ sent for the lord mayor of Dublin to come to him, he, with the aldermen, expressed great readiness to obey the king in any thing he should command them ; but

⁵ State Lett. vol. i.⁷ Ib.⁶ Ib. p. 304.⁸ Ib.

but said, that it being their constitution, that freemen should be elected only at certain terms, they could not prevail with the commons, without whose consent that rule could not be altered, though they tried twice, by his lordship's positive directions, to admit any freemen, till the usual time; and when that time came," adds his lordship, "all the Roman catholics, who made application, were admitted."

C H A P.

^f The following extracts from papers relating to the admitting of papists into corporations, and sent by Secretary Coventry to Lord Essex, in 1674, chief governor of Ireland, may throw some light on this affair.

"In most of the corporations of Ireland, the freemen were generally papists in the year 1641, and so continued till about the year 1652; and although most of the persons who were then free, may now be presumed to be dead, yet there being a custom in most corporations, that all the sons of freemen are also free of the corporations whereof their fathers were free, there cannot but be now very many papists living, who are intitled to their freedoms in their several corporations. In the usurper's time, all the papists, that were freemen, were hindered from enjoying the benefit of their freedom.

"Since the king's restoration, many disputes have happened concerning the papists (in Ireland) who were formerly free, being admitted again into the corporations.

"By a letter from the king, dated the 22d of May, 1661, his majesty declared his pleasure, that the respective former inhabitants, natives and freemen, and such as had a right to be freemen in any of the cities or towns in this kingdom (Ireland), should be forthwith restored to their accustomed privileges and immunities, and admitted to trade, in the said respective cities and towns, as freely as heretofore, without making any national distinction, or giving any interruptions, upon pretence of difference of judgment, or opinion, in matters of religion. Notwithstanding this letter, many of the antient freemen, that were papists, were kept out of several of the corporations.

"His majesty afterwards, by his letters bearing date 26th February, 1671, in the time of Lord Berkley's government, did again declare his pleasure that all the antient freemen of the respective corporations should enjoy their former freedoms and privileges. Yet in some of the corporations, in which the number of protestants is great, many of the papists are still kept out, and hindered from their freedoms. If they should be hindered from their freedoms, they will complain that there is no law

to

C H A P. VI.

The behaviour of the Irish priests, and new recruits, under King James, impartially considered.

HAD Dr. King been as candid in his relation of facts, as he ought, and as he solemnly professed to be ; at the same time that he reproached the papists of Ireland, with the forwardness of some of their clergy, and the insolence of the new recruits,^a at this period, in Dublin ; he would have given us, at least, some intimation of the provocations, which both of them had received from the protestant inhabitants of that city ; which indeed were so great and notorious, that Lord Clarendon takes frequent notice of them in his dispatches into England.

to take that benefit from them ; that it is against the king's pleasure expressly declared in his several letters, and since made public by proclamation ; that by the rules, papists, who are foreigners, may be admitted to be free in the corporations, and that it will be hard to bar papists, who are natives, from enjoying that freedom which has been already granted them." Lord Essex's Letters, p. 185-6-7, &c.

In the heads of the bill to prevent the further growth of popery in 1703, we find these words, " and whereas many persons, so professing the popish religion, have if in their power to raise divisions among protestants, by voting in elections for members of parliament, &c." Com. Jour. vol. iii. f. 130.

^a These recruits were far from being such despicable creatures as Dr. King has represented them. " They seemed to Lord Clarendon to be very good men, well-sized, and as adroit (in their exercises) as could be expected of new men." State Lett. vol. ii. p. 54.

These recruits were mostly Roman catholic natives : Of whom his excellency in another letter says, " if the king will have one half of the Irish army to be natives, and the other half English, good God, why should not the chief governor be trusted with it, and why should it not be orderly done, which would make it well-digested, and not frighten people out of their wits !" Ib. p. 392. He alludes here to Tyrconnel's rashly interfering in these matters, even during his excellency's government of Ireland.

England. In one of these he complains,¹ “ that the new recruits were often affronted by the boys in Dublin, and that the soldiers, that were put out, did rap them soundly at fifty-cuffs.” From another of these dispatches it appears, that these insults and disorders of the inhabitants of Dublin towards these recruits had risen so high, that his lordship was obliged, “ to send to the ² lord mayor, to let him know, that he expected he would keep the town in order, and not suffer any rudeness to be committed.” And as for the forwardness of the popish priests at that juncture, such provocation was really given them from the pulpit,^b and otherwise, not only by the inferior protestant clergy, but even by the bishops,³ “ that his excellency thought himself bound to send for the bishop of Meath to rebuke him, on that account ; and to let him know his mind on that head, which that bishop promised to observe.” And although he had resolved⁴ “ to hold the same course with other bishops, and had even suspended some of the turbulent

¹ State Lett. vol. i. p. 295.

² Id. ib. p. 294.

³ Id. ib. vol. i. p. 84.

⁴ Ib.

^b On this occasion his excellency “ assured some of the Roman catholic bishops, that he would give effectual orders, that whatever should happen of that kind, the parties should not be countenanced, and that their superiors should have notice of them. For that he was too well acquainted with the mischief that sort of loose clergy had done, who would submit to no authority; of which,” adds he, “ there are too many in all religions.” State Lett. vol. i. p. 136-7. In this letter to Lord Sunderland, his excellency acquaints him, “ that he was then giving the necessary orders, which Lord Sunderland had directed, to all archbishops, bishops, sheriffs, &c. that the Roman catholic clergy might not be molested in the exercise of their functions.” Id. ib. “ I believe you will hear a noise, (says Lord Clarendon on this occasion) of two sermons which were preached here (Dublin) before me on all-saints day, and the 5th of November. Indeed they were indiscreet and impertinent sermons, and I do as little love to have preachers meddle with controversy or politics, as any body can do ; I know neither of the men, but if I had, it had been all one, I would have done what I have done ; the very next day I caused them both to be suspended and silenced.” Ib. vol. ii. p. 82.

turbulent preachers," yet he says,⁵ " he could not answer, but some impertinent things would be said even before himself; and that he durst not undertake to keep the inferior clergy of Dublin within the bounds of duty and good manners."

C H A P. VII.

The conduct of the Irish and English army compared.

IF the new Irish recruits were insolent and flagitious, their officers, according to Dr. King's account of them, were infinitely more so. These officers were, in truth, the sons of some of the best, but despoiled, families of the kingdom. But if we believe the doctor,^a " they were the scum¹ and rascality of the nation, who ruined all the protestant inns; and might have killed whom they pleased, without fear of the law." In short, there was no irregularity, vice, or villainy, which he has not represented them to be capable of, and disposed to commit.^b

Allowing

⁵ Ib.

^a State of the Protestants, p. 47.

^a Lord Chief Justice Keating (" whom," as Lord Clarendon testifies, " all parties owned to be a good man." State Let. vol. i. p. 140.) in a letter dated 1688, says, " that the Roman catholic nobility and gentry of Ireland were universally concerned both in the Irish army then raised, and in that which was afterwards to be raised." Append. to King's State of the Protestants, &c.

Lord Clarendon himself, when in the government, had recommended several of these Roman catholic officers to be provided for, as Lord Brittas, Captain Butler, Major M'Carthy, Colonel Lacy, and others. State Let. passim, and vol. i. p. 4. The first and last of the above-named officers, he says, were almost ruined by Oates's villainy. Ib.

^b This scurrility seems less indecently applicable to king William's officers in Ireland; for Marshal Schomberg, in a letter to his majesty from Lisburn, January 1689, tells him, " that most of the Irish officers under him, particularly those of the Enniskilleners

Allowing for a moment this account of king James's officers to be true,^c which we shall just now prove to be false, how much more shocking and authentic accounts have we of the treachery and cruelty of the principal commanders and adherents of king William on this occasion?

“ Dr. Sheridan,² the deprived Bishop of Kilmore, assured Mr. Carte, that being well acquainted with the old Earl of Peterborough, and often with him, he shewed him at one of his visits, Sir George Hewit's original confession, with his hand and seal to it (which was afterwards sent to king James in France). In the confession, the said Sir George Hewit, (who had been made a lord by king William,) begged pardon of God and king James, for his disloyalty and rebellion; and declared in it, that the night before king James went to Salisbury, the Earl of Rochester and Lord Churchill, now Duke of Marlborough, the Bishop of London (Stewart also, who is now a general officer), as he remembers, and himself, with others, met at Mr. Hatton Compton's house in St. Alban's-street; and there it was debated among them, how they should do the best service to the Prince of Orange; and at length it was resolved, that the Earl of Rochester should attend the king at Salisbury, but in order to betray all his councils to the Prince of Orange; and the

² Macpherf. Orig. Pap. vol. i. p. 280.

niskilleners and Derry-men, were peasants.” Dalrymple's Mem. vol. ii. p. 72. part ii. The same Marshal Schomberg mentioning king James's army, says, “ the enemy are not only strong in numbers, but also well disciplined, and the situation of their camp as well chosen as the ablest generals could contrive.” Ib. p. 51. Of his own officers he says, “ I never was in an army where there were so many new and lazy officers. The officers of the artillery are ignorant, lazy, and timorous. I discovered that in the artillery, there has been a great deal of roguery.” Ib. p. 60, et passim.

^c King James's Irish officers raised their own regiments, “ and maintained them for five months at their own expence; the most of them having laid out all they were worth, and reduced themselves to an impossibility of doing so any longer.” King James's Memoirs. Macpherson's Hist. Great Britain, vol. iii. p. 194-5.

the Lord Churchill should endeavour to seize king James's person, and carry him off to the prince; but if he could not do that, he should pistol him or stab him when he was in the coach with him. 'This,' adds Mr. Carte, "the bishop has protested to me, more than once or twice, he saw written in the confession of Sir George Hewit."

Mr. Lesley has justly observed on Dr. King's charge, "that there never was, and perhaps never will be, a war, wherein there were not some disorderly and wicked persons; and that, that army is best conducted and disciplined, wherein such crimes are fewest and least. Now," says he, "whether the protestant army, then in Ireland, was not much more mischievous and ungovernable than the popish, I appeal to the testimony of an enemy then on the spot."

That enemy was Dr. Gorge, secretary to Marshal Schomberg, who, in a letter to Colonel James Hamilton,³ (after having told him, "that the soldiers in the protestant army under king William, robbed and plundered at pleasure; that some of its leaders^d ridiculed, scorned, and condemned all motions for its good government

³ See Append. to Lesley's Answer to King.

^d Marshal Schomberg, in a letter to king William, in February, 1690, informs him, that "the Enniskillen and Londonderry regiments were upon a footing of licence both to rob and steal." Dalrymple's Mem. vol. iii. p. 78. In another letter he tells his majesty, that "one must count upon the troops raised in Ireland (for his majesty's service) only as so many cravats. That, in the day of battle, they will always throw themselves upon the first plunder. That Mr. Harbord (pay-master general of his army) had experience of this: for that having gone one night, with his fowling-piece, upon a party with Count Schomberg, and having fallen from his horse, five or six Enniskillen-troopers began to strip and rob him, although he cried out that he was pay-master, and that he would give them money to carry him to the camp; but that a French officer, in passing, having known him, the Enniskilleners brought him back." Id. ib. p. 66. "I don't love to pillage," adds the Marshal, "I do what I can to prevent others from doing it, who think

government and order, and said, that religion was nothing but canting, and debauchery the necessary practice of a soldier^e) takes notice, by way of contrast, of the good discipline, principles, and practices of the popish army under king James, the strict proclamations published by that king, for the observance of good order, and how the penalties enjoined by them were severely and impartially executed." Dr. Gorge adds, "that too many of the English, as well as French

think of nothing else." Id. ib. "Your majesty," says the same, "had need of officers of justice to repress the disorders among these people (officers) who are lazy, and live only by theft and pillage." Ib. p. 59.

"Can we expect," says Dr. Gorge in the same letter, speaking of king William's officers, "that Sodom will destroy Babylon; or that debauchery will destroy popery? Our enemy fights with the principle of a mistaken conscience against us; we against the conviction of our own conscience against them." Lesley's Answ. p. 185.

"I am told," says Lesley, "this author (Dr. King) did express his just indignation against the wild and barefaced debauchery of the (king William's) army, from his pulpit in Dublin, so far as to say, It was come to that pass, that it was a scandal for any woman of reputation to be seen with a red or a blue coat." Answ. p. 36.

In the Life of Mr. Bonnel, Dr. King's dearly beloved friend, (a book highly commended by the then Bishops of Meath and Clogher) where mention is made of the total defeat of king James's party in Ireland, the author relates that good man's great regret, that "their (late) troubles were succeeded by a torrent of vice; that immorality and profaneness conquered as fast as their victorious arms, and that the same army that delivered them, did corrupt them too." See Bonnel's Life, p. 69.

"Colonel Woolfeley tells Secretary Southwell, that his own (king William's) men committed such disorders in their march, on all people without distinction, that it was a shame to speak of it." Harris's king William, fol. 289. "The country still (1691) suffered much under the power of the army (king William's), who, pretending to want subsistence, which was false, not only way-laid provisions coming to the markets, but plundered the market publicly of whatever they claimed to want." Ib. f. 322. Proposals were made to government to remedy this evil; however no steps were taken to obviate the mischief; the oppressions went on, and nothing but the final settlement of the kingdom was able to remedy the evil." Id. ib.

French and Danes, in king William's army, were highly oppressive to the poor country people ; whereas," says he, " their enemies (the Irish) had reduced themselves to that order, that they exercised violence on none, but the properties of such as they knew to be absent, or, as they phrased it, in rebellion against them ; whose stock, goods, and estates were seized, and set by the civil government, and the produce applied towards and for the charge of the war."

C H A P. VIII.

Irish rapparees.

ALTHOUGH Dr. King confesses,¹ " that the hearts of the Irish soldiery were generally funk, and that they openly declared themselves desirous to lay down their arms, proposing to themselves no other conditions, but to return to the station in which they were in at king James's accession ;" yet he at the same time represents that whole army as a band of furious freebooters and robbers,² " plundering the protestants

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¹ State of the Protest. p. 82.

² " This the doctor asserts without proof ; but if we may rely on what Marshal Schomberg says of the officers under his command, we shall find them much worse than those of king James. " The troops of Londonderry and Enniskillen," says he, " (as well as the French) pillage on their side. I must, however, tell your majesty, that if our Irish colonels were as able in war, as they are to pillage the country, and not to pay the soldiers, your majesty would be better served by them. I have worked all this week to regulate what the captains should give their soldiers, to prevent their cheating the men." Dalrymp. vol. iii. p. 50. In another letter to the king, wherein he censures one Major Broadnax, he says, " there are many other officers whom I could wish in England. I never saw any more wicked, and more interested." Ib. p. 33.

" Some of king William's regiments (in Munster) lay as heavy on the country as the enemy could do ; of which Feathard,

in every part of the country ; and its new commissioned officers, under the denomination of rapparees, as committing so many depredations and outrages on their protestant neighbours, that they could not be safe in their houses." This conscious untruth, I say, he was not ashamed to publish in the body of his book, though, in his appendix to it, he has inserted a letter of Lord Chief Justice Keating, already cited, which testifies,² " that the thefts and robberies then committed, were done in many places, by the cottiers and idlers in the country, and often by King William's soldiers, though generally fathered on king James's army." And even Burnet has owned,³ that " many of king William's army were suspected of robbing in their turns, though the rapparees carried the blame of all."^b

Even

² See Append.

³ Hist. of his own Times, vol. ii.

thard, in the county of Tipperary, afforded a melancholy instance, the day before the battle of Aughrim ; which the army being about to leave, swept clean off every thing, not sparing even the parson's books and sermons ; and the loss that little town sustained, was computed to amount to 2000*l.* in money, plate and goods. But (adds my author) their damage was soon after repaired by a contribution from the several regiments concerned." Harris's K. William, f. 324.

Dr. King has exaggerated the number of robberies committed by the Irish soldiers to a ridiculous and incredible degree. He tells us that " in the year 1688, in the space of three or four months, hardly one protestant in Ireland had a cow or a sheep left ; that the value of what cattle they were robbed of amounted to a million and a half of money ; that these sheep, cows, and bullocks so taken from them, would, if rightly managed, have furnished an army of an hundred thousand men for three years. And that the Irish (instead of turning what they had thus gotten to any benefit of their own) took off the skins of these cattle, and left their carcasses to rot ; at all which doings the government was not only not displeased, but did plainly encourage them." State of the Protestants, &c. p. 105.

^b " They (among the Irish) who received protections from king William's generals, and were yet plundered by his soldiers, ran with particular animosity to swell the number of these ravagers." Let. Hist. of Irel. vol. iii. p. 589. " The people exclaimed,

Even king William's friends of higher rank, were greater robbers than these rapparees; as appears by the following resolution of the house of commons:

"RESOLVED,⁴

"That great quantities of forfeited goods, stock and corn, in this kingdom, were seized by several persons, by authority, or pretended authority, from the late Duke of Schomberg, for, and on their majesties account; which were, by the said persons,^c converted to
M 2 their

⁴ Com. Journ. vol. ii. f. 527.

claimed, in the bitterness of grief, that the (English) army were worse than the rapparees." *Ib.* p. 590.

The following passage from Bishop Burnet, is applicable on this occasion: "The king's (William's) army in Ireland was almost as heavy on the country, as the rapparees were. There was a great arrear due to them; for which reason, when the king settled a government in Ireland, of three lords justices, he did not put the army under the civil authority, but kept them in a military subjection to their officers; for he said, since the army was not regularly paid, it would be impossible to keep them from mutiny, if they were put under strict discipline, and punished accordingly. The under officers finding, that they were only answerable to their superior officers, took great liberties in their quarters; and instead of protecting the country, they oppressed it. The king had brought over an army of seven thousand Danes, but they were cruel friends, and though they were masters; nor were the English troops much better: but the pay, due for some months, being now sent over, the orders were changed, and the army was made subject to the civil government. Yet it was understood, that instructions were sent to the lords justices, to be cautious in the exercise of their authority over them; so the country still suffered much by these forces." *Hist. of his own Times*, vol. ii. f. 39.

Even Harris confesses, "that the disorders and robberies committed by king William's army, afforded matter for infinite complaints; that it was found by experience, that that army was almost as heavy on the country as the rapparees; that they took vast liberties in their quarters, and instead of protecting the country, oppressed it. And that, notwithstanding the orders of the lords justices, extravagant outrages were daily committed by it." *Life of king William*, f. 295-6.

^c In the return of the sub-commissioners for seizing forfeited goods,

their own private advantage, and never accounted for to their majesties."

The accounts seriously given us of these Irish rapparees, by some British writers, are really as ridiculous, as their treatment by the English soldiers was cruel and unjust. We are told,⁵ "that they carried the locks of their muskets in their pockets, and hid them in dry holes of old walls; and that they laid their muskets charged, and closely corked up at the muzzle and touch-hole, in ditches with which they were acquainted; that their retreat was safe; for that they hid themselves in the unequal surfaces formed by bog-grass; or laid themselves all along in muddy water, with nothing but their mouths and nostrils above it."

But Mr. Lesley's account of them, who had much better means of information, is both piteous and shocking. He relates it as a well-known fact, "that those,⁶ who were then called rapparees, and executed as such, were for the most part, poor harmless country people; that they were daily killed, in vast numbers, up and down the fields; or taken out of their beds, and shot immediately; which," adds he, "many of the protestants did loudly attest; and many of the country gentlemen, as likewise several officers of king William's army, who had more bowels or justice than the rest,^d did abhor to see what small evidence, or even

⁵ Sir John Dalrymp. Mem. of Brit. and Irel. part i. p. 176.

⁶ Answer to King.

goods, we find the following article: "Goods discovered to be taken away by some of the army, 435ol. 10s." Com. Journ. vol. ii. f. 628.

^d "Three days after (issuing the proclamation) many of the Irish were plundered, who had stayed (at home) on the king's (William's) declaration, and frequent complaints were made of it to the General (Douglas), without redress; and the practice was still continued. Notwithstanding which, several of the Irish applied for protections, which were of little use to them when obtained, either for securing their properties or persons; which violation, doubtless, cast a heavy blemish on the king's declaration, which they began to consider as a snare to them." Harris's

even presumption, was thought sufficient to condemn men for rapparees; and what sport they made to hang up poor Irish people by dozens, almost without pains to examine them; they hardly thought them human kind." In Dean Story's list of persons who died in this war, there are, "of rapparees killed by the army or militia, one thousand nine hundred and twenty-eight; of rapparees killed and hanged by the foldiers, without any ceremony, one hundred and twenty-two."

C H A P.

⁷ Sir John Dalrymp. *ubi supra*.

ris's king William, fol. 282. "The Irish finding they could have but little benefit from their protections (from king William's officers), now began to turn rapparees; and often stripped and killed stragglers from Douglas's party." *Id. ib. f. 283.* "Rapparees, upon being plundered contrary to the king's (William's) declaration, began to be very troublesome." *Id. ib. f. 287.*

"The army (king William's) itself, as possessing more force, and as little humanity, were even worse than the rapparees; murder, anarchy and misery were seen every where." Macpherson's *Hist. of Gr. Brit.* vol. i. p. 616.

"At Birr (1690), the army (king William's) labouring under a scarcity of bread, made that a pretence for stripping and robbing many of the Irish, who had taken protections; which infamous practice enforced those people to go out upon their keeping, and turn rapparees; which raised numbers of enemies (to king William), who otherwise would have remained quiet." Harris's king William, f. 290.

C H A P. IX.

A conspiracy of the protestants of Dublin against the government.

DR. King must have entertained a very mean opinion of his readers understanding, if he expected to be believed when he said,^a “that the government of Ireland, during Tyrconnel’s administration, purposed to ruin the trade of both protestants and papists, in order to make king James absolute and despotic; and that, for the same end, it had formed a scheme, to hang up one half of the protestants, and starve the other.”^a These notions are so perfectly burlesque, that they do not deserve a serious answer; and yet the doctor has so gravely set about proving the latter assertion, from the circumstance of disarming the protestants of Dublin, on the 24th of February, 1688, and on the 20th of July, 1689, that, I hope, I shall be excused for taking some notice of it.

As for the first disarming,^a “this author himself knew (and probably at that time avowed), that the necessity of it was very great and urgent; as Derry had before,^b on the 7th of December, 1688, shut its gates

^a State of the Protest. p. 71, 74. ^a Lesley’s Answ. p. 77. 86.

^a He is guilty of still greater extravagance in saying, “that the protestants could not but conclude, that king James was so intent upon destroying them, that so he compassed that design, he cared not if he enslaved himself and the kingdoms.” State of the Protestants, p. 59. In another place he says, “It must be acknowledged, that king James not only ruined the protestant trade, but went a great way in destroying the trade of the Roman catholics also.” Ib. p. 74.

^b “By an order of the Irish commons, December 7th, 1695, the lord lieutenant was acquainted, that it was the unanimous opinion of that house, that the late rebellion in this kingdom could not be thought to have begun before the 10th of April 1689, being the time given by his majesty’s (king William’s)

gates against the king's army; and as the Enniskilleners^c had marched, attacked and defeated a party of his majesty's forces. He knew, that the protestant gentlemen in Ulster had sent a deputation to the Prince of Orange, December the 8th, 1688; that they had received commissions from him (and they actually proclaimed him in the beginning of March following) that, by reason of a villainous forged letter,^d found in
Cumber,

William's) declaration to the Irish to lay down their arms. But that it should seem more reasonable to have its first beginning from the time Duke Schomberg landed with his army in the kingdom, August 13th following; that till Duke Schomberg's landing, the late king James's authority was submitted to, almost through the whole kingdom; and that what was taken from the protestants, before that time, was disowned by the late king James, as may appear by several proclamations declaring, that whoever should plunder any protestant, should be answerable for the same, and undergo the penalties of the law." *Com. Journ.* vol. ii. f. 801. Not till August 13th, 1689, Duke Schomberg landed at Bangor in the north of Ireland, with about 10,000 men. Which then, of the two parties in arms so long before that time, ought to be deemed rebels?

"The inhabitants of the town of Bandon, in February, 1688, disarmed the garrison of Bandon, and seized upon the town for king William's service." *Com. Journ.* vol. ii. f. 876. For which service the Irish commons, in 1697, agreed, that "a sum of two thousand five hundred pounds should be levied for these inhabitants of Bandon, by the high constables, on the province of Munster." *Id. ib.* f. 897.

^c These Enniskilleners were merciless enemies. At the battle of Lisniskea, they "defeated and pursued the Irish with great slaughter, granting quarters to none but officers. About two thousand fell by the weapons of an enemy transported by zeal and resentment, above five hundred plunged into lake Earne, and but one of that multitude escaped." *Lel. Hist. of Irel.* vol. iii. p. 534.

^d December the 9th, 1688; "which was a contrivance designed to engage the Earl of M——, who till then was deaf to all arguments for entering into the association in Ulster." *Lest. Answer*, p. 79.

The like villainous artifice was used to make king James's army desert him at the camp on Hounslow-heath. Colonel Langston, and other superior officers, affirming privately, with volleys of oaths, to the rest, "that king James would turn out
all

Cumber, setting forth, that the papists intended to massacre all the protestants, the whole north of Ireland appeared of a sudden in one blaze, though the protestants then were so far from having any reason to fear the poor Irish there, as they pretended they did fear them, that they had them panting under their feet, in as much submission as ever a hawk had a lark."

Dr. King himself confesses, that before king James left England, the protestants of Dublin had entered into a plot, to seize³ the lord deputy with the castle, where

³ State of the Protestants, p. 82.

all the protestant officers and soldiers in his army, and have none but Roman catholics; that he had entered into a close league with France to have all the protestants throats cut in England and Scotland: and that, as soon as his army was modelled to his purpose, he would set up a mass in every church in England and Scotland; and he that was not a thorough papist, should be hanged, quartered, or burnt." Macpherson's Hist. of Gt. Brit. vol. iii. p. 286.

Dr. King pretends, that this villainous forged letter was directed to Lord Mount-Alexander (p. 186): But Chief Justice Keating expressly says, "that it was neither directed to, nor subscribed by any person;" he adds, "that copies of it were dispersed throughout all parts of the kingdom; that the protestants were frightened to that degree by it, that many of them betook themselves to the Ards, and other places of security in the north; some into Scotland; and very many families embarked for England and Wales, carrying with them all the ready money and plate they had. The consternation being so great, that even the officers of the port, either out of commiseration to the departing crouds of women and children, or being amazed at the suddenness of the fright, neglected to do their duty; whereby Dublin and the adjacent places, were drained dry of their cash and plate." See Appendix to King's State of the Protestants.

"That letter caused the protestants of the north to meditate the design of rising against the government." Lel. Hist. of Irel. vol. iii. p. 513.

"When the news (says he) came to Ireland, that king James had sent commissioners to treat with the Prince of Orange, it was proposed by some to seize the castle of Dublin. The

where the stores and ammunition lay; "he knew,⁴ that these protestants (and himself among the rest) had a private understanding and connection with the northern rebels, as they were then called; that when they were disarmed, February 24th, 1688, all the protestants, generally, in Ulster, Munster, and Connaught, and in all Ireland, except Dublin and other parts of Leinster (which the lord deputy kept in awe with what forces he had), were then actually in arms, in opposition to the government, and had entered into associations^f to carry on their war. And he has even owned,

⁴ Lesley, ubi supra, & p. 189.

The success was extremely probable; considering that the papists, besides the four thousand of the army, were generally without arms; and that those who were in arms were raw and cowardly. To do it effectually, there needed no more than to seize the Deputy Tyrconnel, &c." King's State of the Protest. p. 83.

"Dr. King wrote to an Irish protestant bishop then in London, that it was in almost every protestant's power in Ireland to hang the rest; yet that they were so true to one another, that they did not discover it." Lesley's Answ. p. 106.

^f "We are told (says Mr. Lesley) in the faithful History of the Northern Affairs in Ireland, p. 7. (written by a protestant), that they began to arm and engage themselves in associations, about September 1688, 'two months before the Prince of Orange landed in England.' p. 77. And when the happy tidings of the prince's landing (in England), says Mr. Boyse, had reached our ears, some non-conformist ministers and gentlemen of note, were employed to get some gentleman or other sent over from Dublin to the prince." Answ. to King, p. 77.

Long before king James's abdication was determined in the convention in England, which was in February 1688, the protestants in the north of Ireland were in arms. Ib. p. 75. And on the 8th of December preceding that determination, a deputation was sent by the gentlemen and others of that province to the Prince of Orange, with an offer of their service; (ib. p. 77.) although king James did not go out of England till December the 23d in that year. Ib. p. 73. It is notorious, that upon the 11th of February 1688 (before the descent of king James's army into the north), some of Colonel Cormick O'Neil's troops of dragoons were killed by the protestant forces at Tuam upon Loughneagla,

owned,⁵ “that king James’s army was but an handful to the protestants, there being even after the disarming, men and arms enough in Dublin, says he, to have dealt with them.” And yet this *impartial* writer has represented the government’s disarming the protestants, at such a critical juncture, as nothing less than a design to massacre them.

C H A P. X.

The disarming of the protestants further considered.

AS for the second disarming of the protestants, on the 20th of July, 1689,¹ “it was in the very heat of the war, between King James, and the northern associators, when Kirk had come from England, and was riding with his ships in Loughfoil, for the relief of Derry; which, with the before-mentioned conspiracy of the protestants of Dublin, to seize the lord deputy and castle, will surely justify the suspicion which the government entertained of these protestants, from the beginning.”

With respect to the scheme of starving one half the protestants of Dublin, which Dr. King has imputed to King James, Mr. Lesley observes,² “that the hanging two of his Irish soldiers before a protestant baker’s door, for stealing two loaves not worth a shilling; and the leaving them to hang there forty-eight hours (which Dr. Gorge testifies) to terrify others, did not look like starving the protestants of Dublin; but rather like feeding them, by letting them have bakers of their own, and protecting them in that manner.” And as for that king’s

⁵ King, *ib.* p. 82.

¹ Lesley, *ubi supra*.

² *Ubi supra*. See Dr. Gorge’s Lett. Append.

Loughneagh, in endeavouring that way to escape the northern associators, and get to their quarters. Lesley’s Answ. p. 86. And many other hostile acts were committed by the protestants in Ulster, before the descent of that army. *Ib.* p. 89-90.

king's design of hanging the other half of the protestants, Mr. Lesley also observes, "that in all the time the protestants of Dublin were in King James's power, viz. in summer 1689, he did not hang one of them, though some of them deserved it by the law then, as Dr. King could witness."^b

C H A P. XI.

General De Rosen's cruelty before Derry considered.

AFTER Derry had shut its gates^a against King James, and several times refused to submit to his authority upon any conditions whatever, General De Rosen, a foreigner, was sent to besiege it; who made use, indeed, of a barbarous, though not unusual expedient to reduce it under King James's obedience. For, finding that the town was in extreme want of provisions, he purposed to increase their distress, by adding to their number; for which purpose, he issued orders for a general driving of all the protestants, protected and unprotected (says Dr. King), within thirty miles round; who

^b "I am told (says Mr. Lesley) that Dr. King owed it to King James's mercy that he now lives: was he not (adds he) accused of holding correspondence with, and giving intelligence to the rebels, as they were then called, both in England and the north of Ireland? did he not give frequent intelligence to Schomberg by one Sherman, and keep constant correspondence with Mr. Tollet and others in London? a bloody-minded tyrant (such as King represents James) would have found another punishment for it than a short imprisonment. King James had once so good an opinion of this author, that he had him frequently in private and trusted him in his affairs, till at last he found him out." Answ. p. 105-6.

^a "Long before this, the people of Derry took out their pardon for shutting their gates against the Earl of Antrim's regiment, which (adds my author) was a confession of some sort of guilt." Lesley's Answer, p. 93. The protestants seized Derry the 7th or 8th of December 1688, and King James's army did not come to Dromore in the north till the 14th of March following. Id. ib. p. 97.

who were brought to his camp, and placed before the walls of the town, in hopes that their friends within would receive them into it, rather than suffer them to remain in so perilous a situation. On account of this inhuman order of ^b De Rosen, Dr. King thought himself entitled to brand the whole Irish army under him, with the decent appellation of ^c “murderers,” because,¹ “he

¹ State of the Protestants, &c.

^b “Rosen represented to King James the ill consequences of his clemency, as his protections were found in the pockets of several who were found in arms against his authority.” Macph. Hist. vol. i. p. 567. “This wretched measure produced no effect on the townsmen (of Derry), they fired upon their friends from the wall, but no mischief was done. Rosen convinced of the folly of his expedient, or touched with a momentary pity, withdrew the unhappy people after a few hours, and permitted them to return home. Some might have died of hunger and fatigue. The miseries, however, which followed this detestable measure have been greatly exaggerated, and King James himself has been unjustly blamed. James was alarmed at the intelligence, and offended at his general. He wrote to all his officers at their peril to pay no regard to the order: he sent his express commands to the marshal himself to drop his unjust, as well as impolitic design. These people (says James) lived peaceably at home, they had either my protection or they relied upon my declaration. De Rosen’s measure was inevitably to depopulate a country which I was resolved to defend. Besides, this precipitate and unjust order furnished my enemies with an instance of my breach of faith in Ireland, which would contribute to ruin my interest in my other kingdoms.” Id. ib.

^c “Had Dr. King (says Mr. Lesley) such a story as that of Glenco, to tell of any of King James officers in Ireland, O! what declamations we should have of the bloody Irish cut-throats, massacres, &c? And what use would he have made of their giving it under their hands, that what they did, was by the king’s express command, and none punished for it?” Answ. to King, p. 114.

That shocking story of Glenco is thus briefly related by a late intelligent and unprejudiced writer. “A proclamation was published in autumn, 1691, which declared that all rebels who took the oaths to the government, before the first of January ensuing, should be pardoned. All the attainted chieftains of the Highlands, except M'Donald of Glenco, took the oaths before the

“ he did not remember to have met any thing like it in history.” Had the doctor been a little more conversant with, or mindful of the history of his own country, he would have found, that in the reign of Queen Elizabeth, and since also, many orders of equal, or greater cruelty had been issued, by some of the most celebrated English commanders of those times, in their several expeditions against the Irish. In the year 1602, Lord Deputy Mountjoy boasted in a letter to the English council,² “ that with his army, he had destroyed their

² Morris. Hist. of Ireland, f. 115.

the time prefixed. Upon the last day of December, he went to Fort-William, and desired the oaths to be tendered to him by the governor of the fortress, who, as he was not a civil magistrate, refused to administer them. M'Donald then went to Inverary, the country town, to take them; but by bad weather was prevented from reaching it, till the term prescribed by the proclamation was elapsed. The sheriff scrupled at first, but was prevailed upon at last to receive his allegiance. Advantage was taken of M'Donald's not having complied literally with the terms of the proclamation, and a warrant for proceeding to execution was procured from the king, which was signed both above and below with his own hand. Sir John Dalrymple, the secretary, gave orders that the execution of it should be effectual, and without any previous warning. For this purpose, in the month of February, two companies went, not as enemies, but as friends, to take quarters in the valley of Glenco, where all the clan lived. To conceal the intention the better, the soldiers were of their own lineage, Highlanders of Argyle's regiment. They were all received with the rude, but kind hospitality of the country. They continued in the valley near a fortnight, and then in the night time rose to butcher their hosts! Captain Campbell of Glenlyon, who was uncle to the wife of one of M'Donald's sons, and had supped and played cards with M'Donald's family the night before, commanded the party. Thirty-eight men were slain. The rest would have shared the same fate, had not the alarm been given by one of M'Donald's sons, who overheard one of the soldiers say to another, “ he liked not the work; he feared not to fight the M'Donalds in the field, but had scarcely courage to kill them in their sleep; but that their officers were answerable for the deed, not they.” This execution made the deeper impression, because the king would not permit any of those who were concerned in it to be punished,
conscious

their corn, and caused a famine; that being the only sure way," adds he, "to reduce or root them out." And his secretary Morrifson,³ "thought the war was then no way so likely to be ended, as by a general famine. Which, as we have already seen, they did at last completely effect. In the list of Sir William Cole's boasted exploits against the insurgents in 1641, we find,⁴ "that within a few months, he had starved and famished five thousand four hundred and fifty-seven of the Irish." And when the garrison of Limerick, which was besieged by Ireton in 1650, and like that of Derry, was in great want of provisions, had turned out several

³ Hist. Irel. f. 68.

⁴ Borl. Hist. of the Irish Rebel.

conscious that in their case his own was involved." Sir John Dalrymple's Memoirs, vol. i. p. 213. Dub. ed.

"As a mark of his own eagerness to save Secretary Dalrymple, King William signed the warrant both above and below with his own hand. In the night Lieutenant Lindsay, with a party of soldiers, called in a friendly manner at M'Donald's door; he was instantly admitted. M'Donald, as he was rising from his bed to receive his guest, was shot dead behind his back with two bullets; his wife had already put on her cloaths, but she was stripped naked by the soldiers, who tore the rings off her fingers with their teeth. The slaughter became general. To prevent the pity of the soldiers to their hosts, their quarters had been changed the night before; neither age nor infirmity was spared; some women in defending their children were killed; boys imploring mercy were shot by officers on whose knees they hung; in one place nine persons as they sat enjoying themselves at table, were shot dead by the soldiers. The assassins are even said to have made a sport of death. At Inveriggen, in Campbell's own quarters, nine men were first bound by the soldiers, then shot at intervals, one by one: several who fled to the mountains, perished by famine and the inclemency of the season; those who escaped owed their lives to a tempestuous night. Lieutenant Colonel Hamilton, who had the charge of the execution from Dalrymple, was on his march with four hundred men, to occupy all the passes, which led from the valley of Glenco; he was obliged to stop by the severity of the weather, which proved the safety of the unfortunate tribe. He entered the valley the next day; he laid all the houses in ashes, and carried away all the cattle and spoil, which were divided among the officers, and soldiers." Macpherson's Hist. Dub. ed. vol. i. p. 628-9.

several useless persons,⁵ “that barbarous commander caused some of them to be executed, and the rest to be whipped back into the town.”^d

In September 1690, the lords justices of Ireland issued a proclamation, which actually produced a greater famine among the Irish, than that which De Rosen’s driving was only intended to produce in the garrison of Derry.⁶ By that proclamation, “the wives, children and families of all those who were in arms against King William, and of all those who had been killed in the same cause, and of all absentees, were ordered to quit all places under his majesty’s obedience, upon pain of being treated as spies and enemies; by which means, great multitudes, especially of women and children, were driven into the Irish quarters, which hastened that famine that was afterwards among them.”

“But to speak impartially, “says Mr. Lesley⁷ on that occasion, “is not the starving of a country, or province, as barbarous as starving a city? And was not crowding all the Irish, men, women, and children over the Shannon in this war, done on purpose to reduce them to famine? And it had that effect. Many of these wretches died, many women miscarried, and numbers were starved in that driving over the Shannon; insomuch that some of the protestant officers, who were employed in that expedition, expressed the greatest regret to see such lamentable spectacles, and were ashamed

⁵ Ludlow’s Memoirs.

⁶ Lesley, *ubi supra*.

⁷ Answer to King, p. 185.

^d The celebrated Mr. Spencer, after having mentioned that Lord Deputy Gray (whose secretary he was) in carrying on the war against the Irish in Munster, in 1580, “had driven them to such an extremity of famine, that they digged dead carcasses out of the graves for food,” was not ashamed to conclude in these shocking words, “therefore, by all means it must be assured, that after once entering into this course of reformation, there be afterwards no remorse, nor drawing back, for the sight of any such rueful objects as must thereupon follow, nor for compassion of their calamities; seeing that by no other means it is possible to cure them.” *State of Irel.* p. 166.

ed of their commissions ; and those, who were thus driven, had King William's protections in their pockets." These historical facts were, it seems, unknown to the Doctor, when he made his charge.

C H A P. XII.

King James countermands De Rosen's order.

I AM far from vindicating, or even meaning to extenuate the cruelty of De Rosen's order, from any former examples of the same kind ; though many more than those I have mentioned, might be produced in the commanders of armies, on such occasions.¹ " King James himself expressed the highest resentment of it, and put a stop to its execution on the first notice ; and in his circular letters to the governors of towns^a and to

¹ Lesley, ubi supra.

^a " Circular letter from King James forbidding to put De Rosen's proclamation in execution :"

" Trusty and well-beloved, we greet you well. Whereas we are informed, that our field marshal general, the Marquis De Rosen, hath sent orders to several places, requiring the relations of such as are now in rebellion against us in Derry, of what sex or age soever they be, to be delivered to him, and exposed by him, as he hath projected and declared in the said order ; our will and pleasure is, that if any such order hath been sent to you from the said marshal, you positively refuse obedience thereto, and make it known to all our people, that such orders have been given entirely without our knowledge, and are positively contrary to our inclinations, which have always been to reclaim even the worst of our subjects by mercy, and inviolably preserve the assurances we have given, either by our royal declaration in general, or by any particular protections, to such as live peaceably under our government : we do therefore reiterate our orders to you, that you assure all our loving subjects of our real intentions in this matter, and you shall assure them that such as live peaceably in their stations, shall, without distinction, enjoy our protection, and so requiring your obedience to this our absolute will and

to the officers^b commanding in chief in the North, he commanded them by no means to obey it; and accordingly, that order was not executed in most parts of that province. This, adds² Mr. Lesley, I had from the officers, to whom these orders were sent, and from several protestants who have seen them, and can produce them." Mr. Lesley also³ appeals to the Earl of Granard,^c then living, "whether the same day, that the news of this order of De Rosen's came to Dublin,

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² Lesley, ubi supra.³ Ib. p. 100.

and pleasure, we bid you heartily farewell. Given at our court at Dublin-castle, this 3d day of June, 1689, and in the fifth year of our reign.

By his majesty's command,

Macphers. Orig. Pap. vol. i. p. 280.

MELFORT."

^b The Irish officers likewise, who were employed in De Rosen's driving, "executed these orders against their countrymen, (says Sir John Dalrymple) weeping, and obeying; and many of them owned, that the cries they then heard rang for ever in their ears." Memoirs, part ii. p. 40.

Those very protestants whom De Rosen cruelly ordered to be thus driven before the walls of Derry, and whom King James immediately ordered to be discharged upon the first notice, "confess (says Mr. Lesley) that Lieutenant General Hamilton (who was much against that driving, but De Rosen commanded) ordered meal and other provisions to be distributed among the poor people." Answ. to King, p. 186.

"It would be inhuman to the memory of the unhappy, to impute the disgrace of this action to King James. He revoked the order as soon as he heard of it, because his own sufferings had probably taught him to feel for those of others." Dalrymple's Mem. part ii. p. 41.

"The French fleet which carried King James into Ireland, took some English merchantmen while his majesty was aboard, and some of the masters were brought before King James, who expecting nothing but death, fell down upon their knees begging their lives, which brought tears into the king's eyes, and he not only restored them their ships with all their effects, but ordered two frigates to attend them and see them safe through all the French fleet." Lesley's Answ. p. 150.

^c This earl was accounted very "zealous for the protestant interest; his lady was a presbyterian, and he had constantly received five hundred pounds a year from King Charles the second, to be distributed among the presbyterian clergy in the North of Ireland, even when he permitted a cruel persecution of their brethren in England." Harris's K. William, f. 105. Note.

his lordship did not tell King James of it, and whether his majesty did not answer, that he was grieved for it, that he had sent immediate orders to discharge it, and that none but a barbarous Muscovite (for such, it seems, De Rosen was,) could have thought of so cruel a contrivance."

As this charge against De Rosen has been frequently introduced in anniversary sermons on rebellion, plots and massacres, 'tis but just to give the following extracts from the authentic papers of Mr. Macpherson, and leave the reader to judge of that general's conduct.

⁴ DE ROSEN'S ORDER.

Camp before Londonderry, July 1st, 1689.

"The rebels of Londonderry augmenting every day in their obstinacy,^d which can no longer be endured, I have resolved to gather together all the rebels of this country, and to conduct them to camp, and afterwards to drive them under the walls of the town that they may starve. You are to give them no more subsistence than will be barely necessary to support them this length from the places they shall be taken. And as I have certain information that a considerable number of the rebels of Londonderry and of this district, especially their wives and children, have retired to Belfast and the neighbouring places; and as the hardness of their husbands deserves the severest chastisements, I write this letter to acquaint you, that you are instantly to make an exact research in Belfast and its neighbourhood, after such subjects as are rebellious to the will of the king, whether men, women, boys or girls, without exception, and

⁴ Macpherf. Orig. Pap. p. 203-4-5.

^d "At Derry the resistance of the rebels continuing, they made several sallies, killing many general officers and other officers, at length pressed with want of provisions, the garrison proposed a surrender on conditions (which they had so often insidiously done before during the siege, at one time to the king in person). This was construed by De Rosen into a mere feint to gain time (which is evident). The besieged continued to fire and drove the Irish from two entrenchments, which they had taken the day before. The marshal incensed at this unexpected resistance, adopted the expedient above-mentioned." Macpherf. Hist. Gr. Brit. vol. i. f. 566, and Orig. Pap. passim.

and whether they are protected or unprotected, and to arrest them and collect them together, that they may be conducted by a detachment to this camp, and driven under the walls of Londonderry, where they shall be allowed to starve in sight of the rebels within the town, unless they chuse to open their ports to them, which they shall be at liberty to do, if they are disposed to pity them. Do not fail to exert yourself to the utmost in executing these orders punctually, and without delay, and at the risk of being personally answerable to me for your diligence; and you are to be particularly careful, that none of the rebels, whether men or boys, women or girls, or infants, of whatever age, shall pass the river and escape the way of Charlemont, to save themselves from the wretchedness to which they are to be reduced.

“ You are to intimate to the inhabitants of Port Patrick the orders you have received, and to declare to them, that they shall assuredly be treated with the same rigour, unless they remain quiet. I recommend to you to give the greatest attention to the execution of these orders. I am, &c. DE ROSEN.”

De Rosen “ had however, before his master’s (the king’s) orders could reach him, assembled above four thousand men, women and children, which he caused to be driven to the walls; but so little effect had this proceeding towards persuading the town to surrender, that they fired upon them from the walls (“ happily none were killed”), which Monsieur De Rosen perceiving, drew them off and sent them to their homes again.”

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After

“ It appears from another letter of the same date (camp before Londonderry, 5th July, 1689) that he (De Rosen) had by that time received from the king an answer to his letter of June 30th, and his majesty’s order, forbidding him to put his project in execution. He presumes to blame James for his clemency, and attempts to justify his own conduct.

“ S I R E,

“ I have received the letter which your majesty did me the honour to write to me the 3d instant, by which I see that your majesty is always full of benevolence towards the rebels of this kingdom: their own conviction of this encourages them in insolence, to which they are carried every day, and in the hopes that
your

After all, the garrison of Londonderry was, it seems, resolved not to be behindhand in cruelty with De Rosen himself.^s "For they erected gibbets, and had determined to hang some Irish gentlemen, who were prisoners in the town,^f had not de Rosen's order been so soon countermanded. And some add, that they even threatened to eat them after they were hanged;" which, from the extreme want of food, which they then laboured under, seems not be very improbable.

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^s Har. K. William, f. 105. Note.

your majesty will have compassion upon them in the distresses to which they may be reduced; yet the troops are ruined, and the rebels will receive relief, which will oblige your majesty to abandon every thing. I imagined that I might have induced them to surrender, by threatening them as I have done, but that has produced no effect. It is true, I have not put my project in execution, and that perhaps is the reason why we are not yet further advanced; for I have presented before their gates but a small number of their accomplices, to try if that would make any impressions on them; but they had the cruelty to fire upon them and to refuse them every kind of assistance, for which reason I sent them back to their habitations, after having made them comprehend the difference between your majesty's clemency and the cruel treatment of their own party.

"You see, Sire, the condition your troops are in. I leave your majesty to judge, if an honest man, who has a high sense of honour, can continue to command them without great anxiety, when your enemies are particularly attentive to furnish your rebellious subjects with excellent arms. I doubt not but we shall see them march against us soon, with protections in their pockets and arms in their hands, which happened frequently already, and happens every day." DE ROSEN.

"The Marshal De Rosen appears to have been a diligent and active officer: but those who served under him were unacquainted with discipline, and either James himself was inattentive to the service, or his orders were never properly executed." Macpherson's Orig. Pap. vol. i. p. 210.

^f Among these were "Lord Viscount Netterville, Sir Garret Aylmer, Major Rowcommen, and a great many others of lesser note, taken at the first engagement; and in the last, Captain Butler, son to the Lord Mountgarret, one of the great M'Donalds, a captain, and Captain M'Donogh, and many others too long to name." Walker's Lett. Macphers. vol. iii. p. 202. Note.

C H A P. XIII.

The protestants of Ireland were not deprived of their churches by King James, as Dr. King sets forth.

KING James, when in Ireland, was not actuated by that intemperate ^a zeal for the re-establishment of the catholic religion, which he had before, on some occasions discovered in England; probably because he had experienced the unhappy effects of it in the latter kingdom.^b Even when he sent the Earl of Clarendon lord lieutenant of Ireland, one of his instructions to him was,^c “to consult the Archbishop of Canterbury in all

^c Clarend. State Lett. vol. i. p. 50.

^a The true cause and motive of King James's endeavours to re-establish the Roman catholic religion in England, seems not so much to have any bigotted attachment to that religion (as is commonly thought) as, “his sufficiently knowing, that he could never be in entire safety, till the catholic religion was established in England, in such a manner as not to be ruined or destroyed.” These were his own words in a private conference with Barillon, the French ambassador. And whoever considers his recent and alarming remembrance of his father's murder, and of his brother's incessant troubles during his whole reign, which were both caused principally by those very men who were the greatest enemies of that religion, and who imprudently called themselves the only true protestants; will abate somewhat of their wonder at these his endeavours to give some establishment to his Roman catholic subjects. See Sir John Dalrymp. Mem. vol. iii. p. 37.

^b That King James entertained no malicious designs against protestants, merely as such, appears from the following passage. “About the year 1687, the French protestants came in great numbers into England, to shelter themselves from the persecution that raged in their own country. They were received with great tenderness by the people, and with great kindness by the king, who granted them briefs for their relief, and gave them considerable sums out of his privy purse, which was looked upon as an artifice by some, but highly commended by more impartial persons.” Continuation of Baker's Chronicle, f. 741.

all the religious affairs of that kingdom." And Dr. King² confesses, "that when he was there in person, he turned out the popish mayor of Wexford, for not restoring a church of which the protestants of that city had been dispossessed; and that he expressed himself with more passion on that occasion than was usual to him." This was a fact so notoriously true, that the doctor was ashamed to deny or conceal it; but he was not ashamed to affirm and publish what was as notoriously untrue, viz.³ "that in the diocese of Dublin alone, twenty-six churches and chapels were by him taken from the protestants; and that his majesty could not, or rather would not, prevent the demolishing, defacing, or seizing of nine churches out of ten."

King James had published a proclamation, December 13th, 1689, against meddling with any of the protestant churches in Ireland, as a violation of the act of liberty of conscience.⁴ But "his promises to protect the protestants of that kingdom," says Dr. King, "were meer pretences; the popish priests having taken possession of most of the churches there, by his private permission."

Mr.

² Ubi supra.

³ State of the Protest. &c. p. 177.

⁴ Ib. p. 174.

^c King James was hardly ever noted for duplicity of conduct; this cannot be said of his competitor for the crown. The Prince of Orange in a letter to the emperor, acquainting him with his intended expedition into England, says, "I assure your imperial majesty, by this letter, that whatever reports may have been spread, and notwithstanding those which may be spread for the future, I have not the least intention to do any hurt to his Britannic majesty, or to those who have a right to pretend to the succession of his kingdoms, and still less to make an attempt upon the crown." And a little after; "I ought to intreat your imperial majesty to be assured, that, I will employ all my credit to provide, that the Roman catholics of that country may enjoy liberty of conscience, and be put out of fear of being persecuted on account of their religion." Sir John Dalrymp. Mem. vol. iii. p. 170. See Append. Not only the emperor, but the pope himself, was cajoled by these deceitful assurances.

And yet Dr. King, at the same time, confesses, "that the protestants, in their application to government for the recovery of

Mr. Lesley treats this whole accusation, as a notorious untruth and calumny; ^s he calls upon Dr. King to shew even one protestant church in Ireland, that was taken away, either by King James's order or connivance. He affirms that his majesty was so very careful of the protestants, in that point, that even at Dublin, where he kept his court, neither the cathedral, nor any parish church in the whole city was taken from the protestants; he owns that he took Christ-church for his own use, because it was always reputed the king's chapel.^d But Dr. King himself," adds he, "and others then preached passive obedience in their own pulpits in Dublin; and that to such a degree, as to give offence to some of their protestant hearers, who thought they stretched even to flattery."^e

These positive assertions, publicly and grievously impeaching Dr. King's veracity, having never since been contradicted, or even questioned by him or his friends, afford the strongest presumption, that they were, at that time, generally known and acknowledged to be undeniably true.

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^s Answ. to King.

of some churches, had the luck to gain several of the popish nobility to favour their suits." Ubi supra, p. 176.

"King James, says Macpherson, was peculiarly unfortunate; he was charged by the protestants of violence in favour of the papists; he was accused by the papists of too much lenity to the protestants." Hist. of Great Britain, vol. i. p. 564.

^d Yet some adverse writers have taken the liberty to charge K. James with violating his coronation oath. Was it for protecting the protestants, or allowing the catholics the free exercise of their religion, they forged this calumny? For King James's Coronation Oath, see the Append. ad finem.

^e "Dr. King then used to say, that persecution never hurt religion, but that rebellion destroyed it; and that it would be a glorious sight to see a cartful of clergymen going to the stake for asserting the principles of religion, with regard to passive obedience." Lesley, Answ. Pref.

C H A P. XIV.

King William's treatment of the episcopal clergy in Scotland, compared with King James's behaviour towards the protestant clergy in Ireland.

MR. Lesley has drawn a parallel between King William's behaviour to the episcopal clergy of Scotland, and King James's to those of the established church of Ireland, at the same time, viz. in the year 1689; by which it appears, that the former did actually effect in Scotland, what the latter was only suspected to have designed in Ireland.

"When," says he, "the states of Scotland were convened by King William's circular letter of March 1689, the oaths required by the law to be taken by all members of parliament, or any judicature, before they can sit and vote there, being laid aside, the antimonarchical and fanatical party were admitted into the house; and thereby, becoming the greater number (when the major part of Scotland, and much the greater part of the nobility and gentry, were episcopal) did afterwards frame an act of grace, pardoning and acquitting all those that had been concerned in the open and public rebellions of Pentland-hills and Bothwell-bridge; and thus these furies incarnate, the assassins of the Lord Archbishop of St. Andrew's,^a as many of them as were then

¹ Preface to his Answer to King.

^a "On the 3d of May, 1670, Dr. Sharp, Archbishop of St. Andrew's, on his way to that city, was attacked by a party of these furious zealots. The most of his servants were absent; his daughter only accompanied him in his coach. Having fired on him in vain with their carabines, they dispatched him with their swords. His murder was accompanied with circumstances of the utmost barbarity: when he stretched forth his hand for mercy to one of the assassins whom he seemed to know, the inhuman villain almost cut it off with a stroke of his sword. His daughter was wounded in several places, endeavouring to cover her

then alive, were enabled to become members of parliament. The fanatical mob, that had rabbled the episcopal clergy, were armed, and made the guard of this meeting of the estates, and resolved to sacrifice any who durst oppose their designs. They attacked the Archbishop of Glasgow in the streets of Edinburgh where the convention sat." ^b

"On the 31st of May 1689, King William sent instructions to Duke Hamilton, commissioner, in these words: "You are to pass an act, turning the meeting of the estates into a parliament, and the three estates are to consist of the noblemen, barons and burgeses." Accordingly, the meeting, where the bishops formerly sat, was on the 5th of June, 1689, turned into a parliament, the bishops being first excluded. Two days after, that parliament passed an act settling presbyterian church-government, and on the 22d of July following abolished episcopacy. This was done in consequence of new instructions sent to Duke Hamilton in these words: "you are to touch the act abolishing episcopacy, as soon as you can; and to rescind all acts inconsistent therewith." These instructions were signed by the King, at Whitehall, July 17th, 1689, and the act was touched at Edinburgh, on the 22d of the same month; and thus fell episcopacy in Scotland, two months and eleven days after King William and Mary took

her aged father from the murderers; they even mangled the dead body; they at length left the torn carcase with every mark of indignity on the high way. Men were shocked at an enthusiasm that gave the name of a religious action to the worst of crimes. An universal joy followed the murder of Sharp among the adherents of the covenant, the pulpits thundered forth the applause of the assassins, and even some, who approved not of the manner of the deed, expressed their gladness at the removal of the arch enemy of their forms." Macphers. Hist. of Great Britain, vol. i. p. 272.

^b "The blow (says Macpherson) which the royal prerogative received in Scotland, in the memorable 1688, established licentiousness, instead of freedom in that kingdom. The parliament was placed in a situation to make the most for themselves, at the hands of the king, while the people felt nothing from the alteration in government, but a change of tyrants." Hist. of Great Britain, vol. ii. p. 332.

took upon them the crown of that kingdom, which was the 11th of May, 1689.”^c

C H A P. XV.

The true cause of the decline of the protestant religion in Ireland in the reign of king James II.

THE decline of the protestant religion in Ireland, in the reign of king James, was not owing, as Dr. King supposes, either to the violence of his government, or the artifice, or industry of his priests; but to the ^a negligence at first, and afterwards to the self-interestedness and tergiversation of its own clergy. Of their negligence, ¹ Lord Clarendon himself ^b frequently complained,

¹ State Lett. vol. i. p. 215.

^c “ They were printed at London, by order of King William, ann. 1689; and the Scots acts of convention and parliament, above quoted, are collected and extracted from the registers and records of the meeting of estates and parliament there by the commissioner, then exercising the office of clerk-register, and printed Cum Privilegio at Edinburgh, ann. 1690.” Lesley, ib.

“ By an act made in Scotland in 1695, episcopal ministers were prohibited to baptize or solemnize matrimony, in pain of perpetual imprisonment, but repealed 10th of Queen Anne, and no person to incur any penalty for resorting to episcopal meetings, nor their pastors for preaching, administering the sacraments or marrying.” Summary of penal Laws, p. 79.

^a “ I did not find (says Marshal Schomberg, in a letter to King William, from Lisburn, December, 1689), that the ministers apply themselves enough to their duty; whilst the Romish priests are passionate to exhort the people to die for the church of Rome, and in putting themselves at their head.”

Dalrymp. Mem. vol. iii. p. 59.

^b In one of these letters, he tells his grace, “ that very few of the clergy resided in their cures; but employed pitiful curates, which necessitated the people to look after a Romish priest, or a non-conformist preacher, of both which there was plenty. That he found it an ordinary thing in Ireland for a minister to have five or six, or more cures, and to get them supplied by those who

complained, in his letters to the Archbishop of Canterbury, whom, as I have already observed, the king had ordered him to consult, in all the religious affairs of that kingdom. And the effects of that negligence, together with the ensuing war (for which religion was the pretence) were such, that Mr. Lesley says,² "he was himself a witness, that atheism, contempt of all religion, debauchery, and violence, were more notorious and universal, in the protestant army in Ireland, from the year 1688 to 1692, and more publicly owned, than since he knew the world. That to his knowledge, several had turned papists, on account of the lewdness of the

² Ubi supra, p. 36-7-8.

who will do it cheapest. When (adds he) I discourse with my lords the bishops on these things, I confess, I have not satisfactory answers." Dalrymp. Memoirs, vol. i. p. 223. Even Marshal Schomberg complained to King William in 1690, "that the (established) clergy of Ireland were people, that were little attached to their parishes." Ib. vol. ii. Append. p. 79.

Lord Clarendon complained in 1685-6, "that several of the clergy were absent in England; and among these the Archbishop of Tuam, and the Bishop of Down and Connor: that the former, after three years absence, was resolved to come home; but that the latter, who had been absent from his charge six years, desired to have his licence of absence renewed; and that yet, it was really a shame to think how his diocese lay." State Lett. vol. i. p. 215.

"Some (clergymen) says his lordship, hold five, six or nine hundred pounds per annum in ecclesiastical preferments, and get them all served for one hundred and fifty pounds a year, and do not preach once a year themselves. Several of the clergy, who have been in England, sent to renew their licences of absence, but I have refused most of them, which has brought some of them home, and the rest must follow." Ib. p. 215.

In the journals of the house of commons, October 1695, there is a petition of Peter Aris, Thomas Baker, Richard Adams, and other inhabitants of the parish of Newcastle in the county of Wicklow, complaining that they have had no service in their parish-church since the troubles (1688) though their church be in good repair, and at least three hundred protestants in the said parish; under colour of an union to the parish of Delgany, though in truth there was no such union; presented to the house and read." Vol. ii. f. 728.

the army, and the apostacy of the clergy. And that, however it might seem a paradox, it was nevertheless true, that there had been more converts to popery in England also, and from the same causes, within the four years above-mentioned, than in four years before that period." That is to say, more in the four years after King James's abdication, when he could make use of neither force nor allurements to gain converts to his religion, than in all the time that he had it so amply in his power, to employ both these means of conversion for that purpose.^c

Bishop Burnet has accounted for this sudden growth of irreligion and immorality, at that juncture, in the same manner. "A disbelief," says he,³ "of revealed religion, a profane mockery of the christian faith, and the mysteries of it, became scandalous and avowed; and it must be confessed, that the behaviour of many clergymen gave atheists no small advantage. They had taken the oaths to, and read the prayers for the present government; they observed the orders for public fasts and thanksgivings; and yet they shewed in many places, their aversion to our establishment too visibly. This made many conclude that the clergy were a sort of men, that would swear and pray, even against their consciences rather than lose their benefices; and by consequence, that they were governed by interest, not by principle. Upon the whole matter, the nation was falling into a general corruption, both as to morals and principles; and that was so much spread among all sorts of people, that it gave us great apprehensions of heavy judgments from Heaven."

Queen

³ Hist. of his own Times, vol. ii.

^c A late ingenious writer observes, "that the number of Roman catholics did not increase when they had the particular favour of the court. From the dissolution of the Oxford parliament to the end of the reign of James II. none embraced their doctrine but a very few persons, who were called court catholics, and they after the revolution all returned to the profession of the protestant religion, except Mr. Dryden (the great poet)." Consideration on the Penal Laws against Roman Catholics, p. 66.

Queen Mary, in a letter to King William, July 1690, has these remarkable words, “ I must put you in mind of one thing, believing it now the season (the king was then in Ireland), which is, that you would take care of the church in Ireland. Every body agrees, that it is the worst in Christendom.”⁴

C H A P. XVI.

The perplexity of the established clergy of Ireland after the coronation of King William.

THE strange versatility, and trimming behaviour of the Irish established clergy on this occasion, is thus freely described by Mr. Lesley.¹ “ Before the association in the north, they prayed for King James; in the beginning of March following, they proclaimed the Prince of Orange king, and prayed for him. On the 14th of that month, King James’s army broke their forces at Dromore, in the north of Ireland; then they prayed again for King James, that God might strengthen him to vanquish and overcome all his enemies; in August following, Schomberg came over with an English army; then, as far as his quarters reached, they returned to pray the same prayer for King William, the rest of the protestants still praying for victory to King James. And yet they say, that, all that while, they all meant the same thing; four times in one year, praying backward and forward, point blank contradictory to one another. The bishop² of Meath in his speech at the head and in name of the protestant clergy of Dublin, took pains to clear himself and them to king William, from having been so much as trimmers to king James, while he was among them; that is, they were his inveterate enemies. Yet his lordship was one of the lords spiritual mentioned in the address of the parliament of Ireland to that king, on the 10th of May, 1689; in which

⁴ Dalrymp. Mem. vol. iii. p. 154.

¹ Answ. to King, p. 108.

² Id. ib. p. 103.

which they abhor the unnatural usurpation of the Prince of Orange,^a and the treason of those who joined with him in England and Ireland; and profess to king James with their tongues and hearts, that they will ever assert his rights to his crown, with their lives and fortunes, against the said usurper and his adherents, and all other rebels and traitors whatsoever.”³

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Answ. to King, p. 103.

* That William's motives for invading England, were very different from what they are commonly thought to have been, viz. a glorious heroic zeal to deliver these kingdoms from popery and slavery, will appear from the following passage.

In the treaty of peace at Ryfwick, “as William trusted not his three plenipotentiaries at the Hague with his agreement with France, mankind justly concluded, that a secret of the last importance had been for some time depending between the two kings (Lewis XIV. and him), time has at length unravelled the mystery. Lewis unwilling to desert James, proposed that the Prince of Wales should succeed to the crown of England, after the death of William: the king with little hesitation agreed to the request. He even solemnly engaged to procure the repeal of the act of settlement, and to declare by another, the Prince of Wales his successor to the throne. The fifty thousand pounds a year settled as a jointure on King James's Queen, was agreed to be paid, though the money was afterwards retained upon various pretences. Those (adds my author) who ascribe all the actions of William to public spirit, will find some difficulty in reconciling this transaction to their elevated opinion of his character. In one concession to France, he yielded all his professions to England; and by an act of indiscretion, or through indifference, deserted the principles to which he owed the throne. The supposed spurioufness of the Prince of Wales's birth, had been only held forth to amuse the vulgar, and even these would be convinced by the public acknowledgment intended to be made by the very person whose interest was most concerned in the support of that idle tale.” Macpherf. Hist. of Great Britain, vol. ii. p. 122-3-4.

C H A P. XVII.

The established clergy of Ireland laboured under a particular difficulty on this occasion.

AFTER King James's abdication, the parliament of England abolished the declaration, viz.¹ "that it was not lawful upon any pretence whatsoever, to take up arms against the king." "But this, by some neglect, was still left upon the Irish protestant clergy, under the penalty of forfeiting their livings, and as many of them as came into livings, after the revolution (among whom Dr. King was one), read the said declaration publicly in time of divine service, and were to continue so to do until some parliament took it away. Notwithstanding which, they preached against it, disputed against it, and instructed their congregations against it. And yet, to save their livings, they continued still to subscribe this hated declaration before their ordinaries; and took certificates under their hands and seals, that they had subscribed it; and openly and publicly read the same, on the Lord's day, in their parish-churches, in the presence of the congregation there assembled. They read it in the desk, and preached against it in the pulpit; and when they came out of the church railed, at the parliament that imposed it, and wondered and cursed their hard fate, that this declaration was not taken out of their way in Ireland as it was in England, and wished it was done. In the mean time they would lose nothing by it, they could swallow."

Nor was their embarrassment much less, upon taking the new oaths that were afterwards framed.² "There never was, proceeds Mr. Lesley, so sudden, so shameful a turn of men professing religion; and their manner of doing it so impolitic as to make it evident, that they

¹ Lesley's Answ. to King, p. 112.

² Ib. p. 123.

they took the oaths, at least, with a doubting^a and scrupulous conscience. For they did not take them freely, but haggled, and kept off, some to the last day, roaring against them all the while; and then coming about, all at once, with new-coined distinctions and declarations, point-blank contrary to the declared sense of the imposers; they differed among themselves; every one had a salvo for his own conscience; some pretended they kept passive obedience still, others that they were never for it. It was a severe jest that the common people had got up against the clergy, that there was but one thing formerly that the parliament could not do, that is, to make a man a woman; but that then, there was another, that is, to make an oath the clergy would not take.”^b

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¹ State of the Protestants, &c. p. 149.

² Lesley, ubi supra.

³ Id. ib.

^a The Irish Roman catholics, “made no scruple to take the oath of allegiance to King William and Queen Mary, which was agreed to in the articles of Limerick; and it was generally taken by them all over the kingdom, by the direction of their clergy.” Lesley’s Answ. p. 125. “The English Roman catholics, in their chapels at London, prayed publicly at the same time, for King William and Queen Mary.” Lesley, ib. p. 126.

^b In the Commons Journal, ann. 1695, I find the following passage: “Mr. Weaver farther reported, that it is the opinion of this committee, that to an act in England of the 31st of Charles II. an act for the better securing the liberty of the subject, there shall be added the following proviso, viz. provided that no person or persons shall have the benefit of this act, unless he or they take the oaths, and subscribe the declaration made in England for this kingdom, intitled an act for abrogating the oath of supremacy in Ireland, and appointing other oaths, &c. The question being put that this house do agree with the committee in this resolution, it passed in the negative.” Vol. ii. f. 668.

C H A P. XVIII.

The good faith of king William's and king James's officers compared.

DR. King was not ashamed to affirm,¹ “that among all the articles into which K. James's officers entered, they never kept any to the protestants.” Yet these protestants themselves “spoke,² at the same time, with commendation and honour, of Sarsfield's punctual observation of his articles, when he took Sligo, to omit other instances.³ General Ginckle owned to Major General Dorington, in the presence of the Prince of Wirtemberg, Monsieur Marquis de la Forest, and several other general officers, the good usage their prisoners had received at Limerick, and other Irish garrisons; and most of the protestants that belonged to the north of Ireland, did then confess, that the Irish, while among them in the summer of 1689, kept their protections better to the protestants, than the protestant kept theirs to them. Even some of the most zealous sticklers for king William's government have complained much, that the articles entered into with the Irish at Carrickfergus, by Marshal Schomberg,^a were not punctually observed. For when that

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general

¹ State of the Protest. &c. p. 149. ² Lesley ubi supra. ³ Id. ib.

^a “Schomberg,” says Macpherson, “invested Carrickfergus; he summoned the garrison in vain; he opened four batteries against the place; he attacked it with the guns of the fleet; one thousand bombs were thrown into the town; the houses were laid in ashes. The garrison, having expended their powder to the last barrel, marched out, on the ninth day, with all the honours of war. But the soldiers broke the capitulation; they disarmed and stripped the inhabitants, without any regard to sex or quality; even women stark naked were whipt publicly between the lines.” Hist. of Gt. Brit. vol. i. p. 570.

The Journal of the most remarkable Transactions in this War, published at that juncture of time, thus relates this breach of articles at Carrickfergus, with respect to the inhabitants: “The Irish in that town, when reduced to one barrel of

general first landed, he issued proclamations of protection and encouragement to the Irish, who would return to their habitations, and follow their labour; which many accepted, and a great part of the country was thereby planted, some places in as full a manner as before the revolution; but notwithstanding these protections, the protestant army fell upon them, and wasted their whole country; and when the Irish held out their protections, they tore them, and bid them wipe their a--e with them, and none were punished for this breach of protections."

Notwithstanding General Ginckle's proclamation,^a printed at Dublin, February 4th, 1690, wherein he assured the papists in their majesties names, "that all of them, who would submit to their majesties government, should be protected as to their religion, estates, and liberties; yet that did not hinder the multitude of out-lawries, and other forfeitures and proceedings against those papists,"^b who submitted to the government

^a Lesley's Answ.

of powder only, made soldier-like terms; marching out with their arms, colours flying, ball in mouth, and other usual ceremonies in war; to be attended by a convoy, until they were within three miles of the Newry. Yet the articles, though signed by Schomberg himself, were nevertheless barbarously violated by the soldiers; who, without regard to age, or sex, or quality, disarmed and stripped the town's people, forcing even women to run the gauntlet stark naked."

^b "By the report laid before the English house of commons, by Mr. Annesley, in 1700, it appeared that three thousand nine hundred and twenty-one persons had been out-lawed by king William since the 13th of February, 1689 [the report made by the commissioners says, 13th February, 1688]; that all the lands belonging to forfeited persons, amounted to more than one million and sixty thousand acres; that the most considerable grants were made to persons born in foreign countries, to Kepple, to Bentick, to Ginckle, and to Rouvigny: who had been all dignified with peerages, in one or other of the two kingdoms. That besides, a grant had passed the great seal to Elizabeth Villiers, now Countess of Orkney, a woman peculiarly favoured by William, of all the private estates of the late king James, containing ninety-five thousand acres, worth twenty-five thousand nine hundred and ninety-five pounds a year:

ment on that assurance.^c As to their religion," adds Mr. Lesley, "they did not complain, for king William was very gracious to them in that respect; but as to their persons, estates and liberties, they cried out heavily of breach of public faith, and great oppression."

Mr. Lesley had before attempted to prove that these forfeiting Irish were not guilty of rebellion,⁵ "how could they," says he, "who adhered to king James, be made rebels to king William, before they had submitted to him? If you say he had a title to Ireland, by being king of England, because Ireland is an appendix to the crown of England; I answer, from the beginning it was not so; and the government of England being dissolved, as Dr. King says, by abdication,

O 2

and

⁵ Id. ib.

year: And that, upon the whole, the value of Irish forfeitures amounted to three millions, three hundred and nineteen thousand, nine hundred and forty-three pounds." Macphers. Hist. of Gt. Brit. vol. ii. p. 161-2.

There were not three thousand protestants named in the act of attainder, passed by king James in Ireland, 1689; and they were all quickly restored by king William: whereas the Roman catholics attainted by king William, lost all for ever, notwithstanding they were to be reinstated by the articles of Limerick. See King's State of the Protest. p. 133.

The above 1,060,792 acres, were worth per ann. 2,11,623l. 6s. 3d. total value 2,685,130l. 5s. 9d. (besides the several denominations in the said counties, to which no number of acres can be added, by reason of the imperfection of the surveys); "which we humbly represent to your honours, as the gross value of the lands forfeited in Ireland, since February 13th, 1688." Rep. Commissioners ubi supra.

^c "The impatience of William's English adherents only served to confirm the Irish in their aversion to the new government. And by a shameful disregard, and almost perpetual violation of his protections, granted to the peasantry, they forced this order also to crowd to their old leaders, and to take arms for their security." Lel. Hist. of Irel. vol. iii. p. 574.

The Irish "saw their religion on the point of being utterly extinguished, and their remains of property ready to be seized by strangers; no security in submission, no reliances on any promises of pardon." Lel. ubi supra, p. 576. At Chapel-Izod, "William was employed in receiving petitions and redressing grievances, arising from the perpetual violations of his protections." Id. ib.

and returned back to the supposed original contract, or first right of mankind, to erect government for their own convenience, of consequence the tye which England had upon Ireland was dissolved, and Ireland left, as well as England, in its supposed original freedom, to choose what government and governors they pleased; besides all this, Dr. King's principles freed them from king William; because of the presumptions they had to think, that king intended to invade their property, lives, and religion."

"The desertion (says Mr. Macpherson⁶ on this occasion) upon which the deprivation of James has been founded in England, had not existed in Ireland. The lord lieutenant had retained his allegiance. The government was uniformly continued under the name of the prince, from whom the servants of the crown had derived their commissions. James himself had, for more than seventeen months, exercised the royal function in Ireland; he was certainly *de facto*, if not *de jure*, king. The rebellion of the Irish must therefore be founded on the supposition, that their allegiance is transferable by the parliament of England. A speculative opinion can scarce justify the punishment of a great majority of the people. The Irish ought to have been considered as enemies, rather than rebels."

"The kingdom of Ireland," says the same author⁷ (Macpherson), "ever since its reduction in 1691, exhibited one continued scene of oppression, injustice, and public misery. The government of James, with all its disadvantages, his own bigotry, the insolence of the papists, combined with the fears of the protestants, were all more tolerable than the administration of William, ever since the surrender of Limerick. Coningsby and Porter,^d the lords justices, rendered themselves

⁶ Hist. Gr. Brit. vol. i. p. 622. ⁷ Id. vol. ii. p. 26.

^d An order of the lords justices Porter and Coningsby, to Samuel Booth, Esq; high sheriff of the county of Kilkenny, dated 19th November, 1691, sets forth, "that they were extremely surprized at the frequent complaints they received from all parts of the kingdom, notwithstanding their proclamation to the contrary, of the ill treatment of the Irish, who were in arms

selves odious, by a series of fraud, cruelty and rapacity. They sold common justice for money; they screened the guilty, and oppressed the innocent. To render their proceedings summary, to clothe their authority with more terror, and with most expedition to enrich themselves, they chose to exert their power in the military way. The corruption at the source extended itself to every channel of government; the subordinate magistrates, the justices of peace, as if all law was at an end, made their own will and pleasure the rule of their conduct. Presuming on their power in the country, they deprived, under colour of their authority, many persons of their effects; they dispossessed many of their lands. Coningsby, created a baron by the same name, with his colleague Porter, continued in the government till the arrival of Sydney, on the 25th of August, 1693; in the intermediate time, they presided in the court of claims for adjusting the demands of those comprehended in the articles of Limerick; and the obvious road to their justice, was said to lie through their avarice.”

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arms against their majesties, and have either submitted, and are under their majesties protection, or are included in the articles granted upon the surrender of some of their garrisons, or submission of their army. That this proceeding has so extremely terrified them with the apprehensions of the continuance of this sort of usage, that they found experimentally, some thousands who quitted the Irish army, and went home with a resolution not to go for France, are now come back again, and press earnestly to go thither, rather than stay here; where, contrary to the public faith, as well as against law and justice, they are robbed of their substance, and abused in their persons, &c.” From an attested MSS. Copy of that Order, communicated to me by Mr. James Laffan of Kilkenny.

• King William's army, in want of pay from the crown, raised money by military distresses from the subject, to the incredible amount of two hundred thousand pounds. The stores left by king James in the kingdom, to the value, it was said, of eighty thousand pounds, were embezzled or applied to his own use by Coningsby. The lord lieutenant himself, and Ginckle, who had been created Earl of Athlone, were accused of possessing themselves of almost all the forfeitures. But one of the most flagrant inroads upon the constitution, was depriving the
citizens

C H A P. XIX.

A short sketch of the cruelties inflicted on the Irish prisoners in this war; and also on those even under protection.

MR. Lesley, after having shewn, that the foregoing charge of breach of articles made by Dr. King against king James's officers, was groundless and wicked; has, by way of contrast, produced several notorious and uncontroverted instances of the perfidy and cruelty of king William's officers, towards their Irish prisoners, in the course of this war. Out of these instances, I shall select the few following; and with them conclude this tedious and melancholy narrative of the state of the Irish at different periods, for the space of more than one hundred and fifty years.

“ When ¹ Drogheda surrendered to king William, after the defeat at the Boyne, the sick and wounded soldiers were, by the capitulations, to be taken care of, and to be sent with passes to their own army, as they recovered. But they were not only neglected, and might have starved but for the charity of some of their own poor countrymen, who sold their beds and cloaths to relieve them, but they were also kept as prisoners after they recovered, contrary to their articles.”

“ Upon the surrender of Cork,² the Irish army, though prisoners of war, were by the conditions to be well used. Notwithstanding which, even those protestants who were most zealous for king William, owned, that the Irish General ¹ narrowly escaped being murdered by

¹ Answ. to King.

² Id. ib.

citizens of Dublin of the right to choose their own magistrates. Macphers. Hist. Gr. Brit. vol. ii. p. 28, 9.

² General M'Carthy, of whom when colonel, Lord Clarendon, lord lieutenant of Ireland, reported to the English ministry, “ that he was a man of quality, and a soldier; and that he

by the inhabitants; that he had no justice done him, nor any satisfaction, upon his complaint to the English General; and that the garrison, after laying down their arms, were stripped; and marched to a marshy wet ground, where they were kept with guards four or five days; and not being sustained, were forced by hunger to eat dead horses, that lay about them; and several of them died, for want even of that, when they were removed from thence. That they were afterwards so crowded in houses, jails, and churches, that they could not all lie down at once, and had nothing but the bare floor to lie upon; where the want of sustenance, and the lying in their own excrements, with dead carcases lying whole weeks in the same place with them, caused such infection that they died in great numbers daily. The Roman catholics of Cork, though promised safety and protection, had, on this surrender, their goods seized, and themselves stripped and turned out of the town soon after."

"In December 1690,³ one Captain Lauder, of Colonel Hale's regiment, being ordered with a lieutenant, ensign and fifty men, to guard about two hundred of the Cork prisoners to Clonmell, as they fainted on the road with the above said bad usage, shot them to the number of sixteen, between Cork and Clonmell; and upon Major Dorington's having demanded justice against this officer from General Ginckle, Lauder got a pardon for the murder, and was continued in his post."

"King William's army,⁴ after being entire masters of Athlone,^b killed in cold blood an hundred men in the

³ Id. ib.

⁴ Id. ib.

he behaved himself extremely well, wherever he was quartered, with great easiness and moderation." State Let. vol. i. p. 45.

His excellency soon after recommended him to the king to be made a major general. Ib. p. 47.

^b "Douglas, in his expedition to Athlone, marched as through an enemy's country, his men plundering, and even murdering, with impunity, in defiance of the royal proclamation,

the castle, and little out-work on the river. And at Aughrim above two thousand, who threw down their arms and asked quarter; and several who had quarter given them, were afterwards killed in cold blood; ^c in which

tion, or the formal orders of their general. As he advanced, the Irish peasantry appeared, successively, in considerable bodies, to claim the benefit of king William's declaration; and were successively ensnared by assurance of protection, and exposed to all the violences of the soldiers." *Lel. Hist. of Irel.* vol. iii. p. 576.

"Douglas, in the mean time, pursued his destructive route to Athlone; his men plundered the country; they murdered many unfortunate wretches, who relied on the king's declaration; the peasantry came in numerous bodies to claim protection; but they were exposed to all the insolence, cruelty, and tyranny of a licentious army. Detested, abhorred and feared, Douglas sat down with his cruel followers before Athlone, he carried on his works with vigour; but he was soon forced to abandon the siege. The unfortunate persons who had declared for William upon his approach, found themselves obliged to attend him (in his retreat), to avoid the fury of their former friends, but they were robbed and plundered by those from whom they expected protection. Nothing but misery, distress, and even death were seen; the harvest was trodden down by the troops, the wretched cabins of the unfortunate peasantry were consumed with fire, and the cattle driven as booty away." *Macpherson's Hist.* vol. i. p. 595.

On king William's retreat, after his first attempt upon Limerick, "the protestants attended him to avoid the resentment of the Irish; but they found enemies in their supposed friends; they were plundered of their effects and cattle; the army ranged at large after booty; they knew no discipline; they owned no authority. The king either winked at their irregularities, or he yielded to a stream which he could not oppose; his declaration was infringed; his protections disregarded; his route covered with devastations, and all the other miseries of war. Excesses of a savage barbarity, but upon questionable authority (*Lel.* vol. iii.), have been ascribed to the king himself, on his retreat from Limerick. Disappointment might have raised his resentment; the outrages committed by his troops stain the annals of the times." *Macpherson's Hist. of Gr. Brit.* vol. i. p. 596-7.

"In the battle of Aughrim, and in a bloody pursuit of three hours (stopped only by the night's coming on), seven thousand of the Irish army were slain. The unrelenting fury of

which number were the Lord Galway and Colonel Charles Moore. The Major of Colonel Epingham's dragoons owned to Major General Dorington, that Lord Galway was killed after quarter, and when the battle was over. More vouchers," adds Mr. Lesley, "might be produced if needful."

"In short, many hundreds of the poor Irish prisoners were sent at a time⁵ into Lambay, a waste deserted island in the sea near Dublin; where their allowance for four days might, without excess, be eaten at a meal; and being thus out of the reach of their friends, (all persons⁶ being prohibited to pass into it with boat, or other vessel, under the penalty of forfeiting the same) they died there miserably, and in heaps."

Thus publicly were these, and many other facts, attested by Mr. Lesley, in his answer to Dr. King's State of the Protestants of Ireland under king James, in refutation of the numerous falsehoods contained in that book.^d The truth of which answer is still further confirmed, by the doctor's conscious silence,^e under such

⁵ Answ. to King. Harris's king William, fol. 318.

⁶ Id. ib. p. 164.

of the victors, appeared in the number of their prisoners, which amounted only to four hundred and fifty." *Lel. Hist. of Irel.* vol. iii. p. 606.

"Ginckle gained reputation by the defeat of the Irish at Aughrim; but his army lost every claim to humanity, by giving no quarter." *Macphers. ib.* p. 621.

^d For "Archbishop Tillotson recommended this book (to king William to justify the revolution), as the most serviceable treatise that could have been published at such a juncture." *Swift's Letter concerning the Sacramental Test.*

^e Though Mr. Lesley, in his answer, fervently prayed, "that God might give Dr. King grace, before he died, to repent sincerely, and confess honestly, all the errors, wilful or malicious representations in this book of his." P. 173.

One can't help smiling to find an assertion in Dr. King's life, lately prefixed to Dean Swift's letters to his grace, that, notwithstanding this long silence both of his lordship and friends, "his Grace had by him at his death attested vouchers of every particular fact alleged in his State of the Protestants of Ireland, which

such heavy accusations, for more than thirty years that he survived the publication of it; being most of that time, in the exalted stations of Bishop of Derry, and Archbishop of Dublin; to which successive dignities, he was thought to have been raised, chiefly on account of the great merit and service of that performance.

C H A P. XX.

Surrender of Limerick, with the Articles of capitulation.

ON the 3d of October, 1691, was surrendered to General Ginckle, and the lords justices of Ireland, upon the articles of capitulation here following, freely and solemnly entered into, the city of Limerick,^a together with all the other garrisons then held by the catholics of that kingdom, for king James. These articles were afterwards ratified, and exemplified, by their majesties king William and queen Mary, under the great seal of England; and in the year 1695, confirmed by an act of the Irish parliament. By the first of these articles, it was stipulated and agreed, “that the Roman catholics of Ireland shall enjoy such privileges, in the exercise of their religion, as they did enjoy in the reign of king Charles the Second. And that their majesties, as soon as their affairs will permit them to summon a parliament

which are now in the hands of his relations.” Swift’s Works, vol. viii. If this be not a ridiculous boast of his biographer, as most probably it is, these relations of his grace are now again thus publicly called upon to produce those attested vouchers.

^a “The particulars of the second siege of Limerick (says Macpherson) are neither important nor distinctly known. Six weeks were spent before the place, without any decisive effect. The garrison was well supplied with provisions. They were provided with all means of defence. The season was now far advanced. The rains had set in. The winter itself was near. Ginckle had received orders to finish the war upon any terms. The English general offered conditions, which the Irish, had they even been victors, could scarce refuse with prudence.” Macpher. Hist. Gr. Brit. vol. i. p. 620.

parliament in Ireland, will endeavour to procure the said Roman catholics such further security in that particular, as may preserve them from any further disturbance on account of their religion."

This surrender of Limerick, and the other garrisons, happened at a most favourable conjuncture for King William,^b who was then engaged in a war with France; and while his forces were thus divided, by the Irish war, could not proceed in that, which he was carrying on abroad, with the desired success. On the other hand, what indeed shewed a real and laudable intention in the Irish to put an end to the troubles of that kingdom, by this capitulation, was, that previous to the signing of the articles, an ' assurance had been sent them of a supply of twenty ships of war, speedily to arrive from France, under the command of Monsieur Chateau Renault, "which supply" did actually arrive in Dingle-bay a day or two after the articles were signed, consisting,² "as appears from the minutes of a letter from the lords justices to the king, of eighteen ships of war, six fire-ships, and twenty great ships of burthen, and brought on board eight or ten thousand arms, two hundred officers, and three thousand men."

King William was so sensible of the necessity of collecting and uniting his whole force against the formidable power of France, that in order to put a speedy period to the Irish war, "he had sent instructions to the lords justices,³ to issue a proclamation, assuring the Irish of much more favourable conditions, than they afterwards obtained by the articles of Limerick. The justices formed these instructions into a procla-

¹ *Lel. Hist. of Irel. vol. iii. p. 610.*

² *Harris's Life of King William, f. 353.* ³ *Id. ib. f. 372.*

^b "The opponents of William give him no credit, either for his justice or humanity, upon the present occasion. They ascribe his eagerness to finish the troubles of Ireland to his earnest desire of prosecuting with vigour the war on the continent. They allege, that had not an English parliament deprived his creatures of the hopes of Irish forfeitures, he would have been less liberal in the concessions which he made." *Macphers. Hist. Great Britain, vol. i. p. 623.*

a proclamation, afterwards stiled the *secret proclamation*,^c because though printed, it was never published; for their lordships finding Limerick reduced to the condition of capitulating, smothered the proclamation, and hastened to the camp, that they might hold the Irish to as hard terms as the king's affairs would permit: this they effected. And although, adds my author, they deserved the thankful acknowledgments of every protestant in the kingdom; yet a party soon sprung up, that inveighed loudly against the articles.^d The designing men of this party quarrelled with them, only because their expectations were disappointed of raising large fortunes out of the forfeitures; but they easily drew a majority of the protestants to their side. They thought the

^c "We are told that they (lords justices) had already prepared a proclamation, offering terms still more advantageous to the Irish than those granted by the general; but on the first intelligence of a treaty they suppressed it. Hence it was called the SECRET PROCLAMATION, because, though printed, it was never published." See Harris. Writers of Ireland, in the article Cox. Lel. Hist. vol. iii. p. 618.

^d "Though the terms granted at the capitulation of Limerick were, perhaps, necessary in themselves, and highly suitable to humanity, they were soon after, equally disliked by both parties. The English protestants looked with unbounded resentment upon articles, which rendered, in some measures independent a people, whom, on account of ancient prejudices and recent injuries, they abhorred. The Irish having obtained with so much facility such good terms, imbibed an opinion, that they might have extorted conditions still more favourable from an exhausted enemy. The arrival of the French fleet, two days after the capitulation, with arms, stores, provisions, and ammunition, confirmed them in their sentiments on this subject. But that circumstance, in conjunction with many other obvious reasons, justified William for putting an end to the war upon moderate terms. Many millions had already been expended in the reduction of Ireland. Near one thousand men had been lost by sickness and the sword. The army, though victorious in the field, were exhausted with fatigue. Winter was approaching, the siege of Limerick must in all probability have been raised, a second disappointment before that place would have been equal to a defeat. The spirits of the Irish would rise, the French encouraged by their success, would aid their allies with more effect." Macphers. Hist. Great Britain, vol. i. p. 622.

the Irish intitled to no articles, but what would expose them to the severest events of war. They censured the lords justices and the general, as if the kingdom were betrayed, insisting that the articles ought not to be observed."

* "This party-war was soon declared from the pulpit. Dr. Dopping, bishop of Meath, preaching before the justices in Christ-church, Dublin, the Sunday after they had returned from the camp, argued, that the peace ought not to be observed with a people so perfidious. This ill opinion of the Irish catholics was probably taken up from the many scandalous libels then industriously propagated, and still occasionally revived by their enemies, on the principles and actions of such of them as had been concerned in any of the different insurrections, anterior to, or coincident with this revolution. But besides that it has been often incontestably proved, that these libels contain little else but gross and barefaced misrepresentations of facts, the experience of the time past should have now evinced the integrity of the conduct and principles of these people, beyond all reasonable doubt or suspicion.

"But in order to obviate this (indeed) perfidious doctrine, thus solemnly delivered from the pulpit by the bishop of Meath, doctor Moreton,⁵ bishop of Kildare, the following Sunday, shewed the obligation of keeping the public faith. This matter became so much the subject of discourse, that it was necessary to settle people's opinions on the controverted points; and to that end, Dean Synge preached in the same church, on these words, "*keep peace with all men if it be possible*;" and moderated so judiciously, that no more was heard of the dispute from the pulpit; but in parliament, and council, the difference subsisted, until the English act of resumption quieted the disputants, who then saw they lost nothing by the articles."

THE

* Harris's Life of K. William, f. 353.

⁵ Id. ib.

THE

CIVIL AND MILITARY

ARTICLES

OF

LIMERICK,

Exactly printed from the Letters Patents ; wherein they are ratified and exemplified by their Majesties, under the Great Seal of England.

GULIELMUS & Maria Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ, rex & regina, fidei defensores, &c. Omnibus ad quos præsentēs literæ nostræ pervenerint salutem : inspeximus irrotulament. quarund. literarum patentium de confirmatione, geren. dat. apud Westmonasterium vicesimo quarto die Februarii, ultimi præteriti in cancellar. nostr. irrotulat. ac ibidem de recordo remanen. in hæc verba. William and Mary, by the grace of God, &c. To all to whom these presents shall come, greeting. Whereas certain articles, bearing date the third day of October last past, made and agreed on between our justices of our kingdom of Ireland, and our general of our forces there on the one part ; and several officers there, commanding within the city of Limerick, in our said kingdom, on the other part. Whereby our said justices and general did undertake that we should ratify those articles, within the space of eight months, or sooner ; and use their utmost endeavours that the same should be ratified and confirmed in parliament. The tenour of which said articles is as follows, viz.

ARTICLES

A R T I C L E S

AGREED UPON

The third Day of October, One Thousand Six Hundred and Ninety-one.

Between the Right Honourable Sir Charles Porter, Knight, and Thomas Coningsby, Esq; Lords Justices of Ireland; and his Excellency the Baron De Ginckle, Lieutenant General, and Commander in Chief of the English Army; on the one Part.

And the Right Honourable Patrick Earl of Lucan, Piercy Viscount Gallmoy, Colonel Nicholas Purcel, Colonel Nicholas Cusack, Sir Toby Butler, Colonel Garret Dillon, and Colonel John Brown; on the other Part:

In the Behalf of the Irish Inhabitants in the City and County of Limerick, the Counties of Clare, Kerry, Cork, Sligo, and Mayo.

In Consideration of the Surrender of the City of Limerick, and other Agreements made between the said Lieutenant General Ginckle, the Governor of the City of Limerick, and the Generals of the Irish army, bearing date with these Presents, for the Surrender of the City, and Submission of the said Army: it is agreed, That,

I. **T**HE Roman catholics of this kingdom shall enjoy such privileges in the exercise of their religion, as are consistent with the laws of Ireland; or as they did enjoy in the reign of king Charles the Second: and their majesties, as soon as their affairs will permit them to summon a parliament in this kingdom, will endeavour to procure the said Roman catholics such farther security in that particular, as may preserve them from any disturbance upon the account of their said religion.

II. All

II. All the inhabitants or residents of Limerick, or any other garrison now in the possession of the Irish, and all officers and soldiers, now in arms, under any commission of king James, or those authorised by him, to grant the same in the several counties of Limerick, Clare, Kerry, Cork, and Mayo, or any of them; and all the commissioned officers in their majesties quarters, that belong to the Irish regiments, now in being, that are treated with, and who are not prisoners of war, or have taken protection, and who shall return and submit to their majesties obedience; and their and every of their heirs, shall hold, possess, and enjoy, all and every their estates of freehold and inheritance; and all the rights, titles and interests, privileges and immunities, which they, and every or any of them held, enjoyed, or were rightfully and lawfully intitled to in the reign of king Charles II. or at any time since, by the laws and statutes that were in force in the said reign of king Charles II. and shall be put in possession, by order of the government, of such of them as are in the king's hands, or the hands of his tenants, without being put to any suit or trouble therein; and all such estates shall be freed and discharged from all arrears of crown-rents, quit-rents, and other public charges, incurred and become due since Michaelmas 1688, to the day of the date hereof: and all persons comprehended in this article, shall have, hold, and enjoy all their goods and chattels, real and personal, to them, or any of them belonging, and remaining either in their own hands, or the hands of any persons whatsoever, in trust for, or for the use of them, or any of them: and all, and every the said persons, of what profession, trade, or calling soever they be, shall and may use, exercise, and practise their several and respective professions, trades, and callings, as freely as they did use, exercise, and enjoy the same in the reign of king Charles II. provided that nothing in this article contained be construed to extend to, or restore any forfeiting person now out of the kingdom, except what are hereafter comprised: provided also, that no person whatsoever

soever shall have or enjoy the benefit of this article, that shall neglect or refuse to take the oath of allegiance,* made by act of parliament in England, in the first year of the reign of their present majesties, when thereunto required.

III. All merchants, or reputed merchants of the city of Limerick, or of any other garrison now possessed by the Irish, or of any town or place in the counties of Clare or Kerry, who are absent beyond the seas, that have not bore arms since their majesties declaration in February 1688, shall have the benefit of the second article, in the same manner as if they were present; provided such merchants, and reputed merchants, do repair into this kingdom within the space of eight months from the date hereof.

IV. The following officers, viz. Colonel Simon Lutterel, Captain Rowland White, Maurice Eustace of Yermanstown, Chievers of Maystown, commonly called Mount-Leinster, now belonging to the regiments in the aforesaid garrisons and quarters of the Irish army, who were beyond the seas, and sent thither upon affairs of their respective regiments, or the army in general, shall have the benefit and advantage of the second article, provided they return hither within the space of eight months from the date of these presents, and submit to their majesties government, and take the above-mentioned oath.

V. That all and singular the said persons comprised in the second and third articles, shall have a general pardon of all attainders, outlawries, treasons, misprisions of treason, premunires, felonies, trespasses, and other crimes and misdemeanours whatsoever, by them, or any of them, committed since the beginning of the reign of king James II. and if any of them are attainted by parliament, the lords justices, and general, will use their best endeavours to get the same repealed by parliament, and the outlawries to be reversed gratis, all but writing-clerks fees.

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VI. And

* I *A. B.* do sincerely promise and swear, that I will be faithful, and bear true Allegiance to their Majesties King William and Queen Mary. So help me God.

VI. And whereas these present wars have drawn on great violences on both parts; and that if leave were given to the bringing all sorts of private actions, the animosities would probably continue that have been too long on foot, and the public disturbances last: for the quieting and settling therefore of this kingdom, and avoiding those inconveniences which would be the necessary consequence of the contrary, no person or persons whatsoever, comprised in the foregoing articles, shall be sued, molested, or impleaded at the suit of any party or parties whatsoever, for any trespasses by them committed, or for any arms, horses, money, goods, chattels, merchandizes, or provisions whatsoever, by them seized or taken during the time of the war. And no person or persons whatsoever, in the second or third articles comprised, shall be sued, impleaded, or made accountable for the rents or mean rates of any lands, tenements, or houses, by him or them received, or enjoyed in this kingdom, since the beginning of the present war, to the day of the date hereof, nor for any waste or trespass by him or them committed in any such lands, tenements, or houses: and it is also agreed, that this article shall be mutual and reciprocal on both sides.

VII. Every nobleman and gentleman comprised in the said second and third articles, shall have liberty to ride with a sword, and case of pistols, if they think fit; and keep a gun in their houses, for the defence of the same, or for fowling.

VIII. The inhabitants and residents in the city of Limerick, and other garrisons, shall be permitted to remove their goods, chattels, and provisions, out of the same, without being viewed and searched, or paying any manner of duties, and shall not be compelled to leave the houses or lodgings they now have, for the space of six weeks next ensuing the date hereof.

IX. The oath to be administered to such Roman catholics as submit to their majesties government, shall be the oath aforesaid, and no other.

X. No

X. No person or persons who shall at any time hereafter break these articles, or any of them, shall thereby make, or cause any other person or persons to forfeit or lose the benefit of the same.

XI. The lords justices and general do promise to use their utmost endeavours, that all the persons comprehended in the above-mentioned articles, shall be protected and defended from all arrests and executions for debt or damage, for the space of eight months next ensuing the date hereof.

XII. Lastly, the lords justices and general do undertake, that their majesties will ratify these articles within the space of eight months, or sooner, and use their utmost endeavours that the same shall be ratified and confirmed in parliament.

XIII. And whereas Colonel John Brown stood indebted to several protestants, by judgments of record, which appearing to the late government, the Lord Tyrconnel, and Lord Lucan, took away the effects the said John Brown had to answer the said debts, and promised to clear the said John Brown of the said debts; which effects were taken for the public use of the Irish, and their army: for freeing the said Lord Lucan of his said engagement, past on their public account, for payment of the said protestants, and for preventing the ruin of the said John Brown, and for satisfaction of his creditors, at the instance of the Lord Lucan, and the rest of the persons aforesaid, it is agreed, that the said lords justices, and the said Baron De Ginckle, shall intercede with the king and parliament, to have the estates secured to Roman catholics, by articles and capitulation in this kingdom, charged with, and equally liable to the payment of so much of the said debts, as the said Lord Lucan, upon stating accounts with the said John Brown, shall certify under his hand, that the effects taken from the said Brown amount unto; which accompt is to be stated, and the balance certified by the said Lord Lucan in one and twenty days after the date hereof:

For the true performance hereof, we have hereunto
set our hands,

Present,
SCRAVENMORE.
H. MACCAY.
T. TALMASH.

CHAR. PORTER.
THO. CONINGSBY.
Bar. DE GINCKLE.

AND whereas the said city of Limerick hath been
since, in pursuance of the said articles, surrendered
unto us. Now know ye, that we having considered
of the said articles, are graciously pleased hereby to
declare, that we do for us, our heirs, and successors,
as far as in us lies, ratify and confirm the same, and
every clause, matter, and thing therein contained.
And as to such parts thereof, for which an act of par-
liament shall be found to be necessary, we shall re-
commend the same to be made good by parliament,
and shall give our royal assent to any bill or bills that
shall be passed by our two houses of parliament to
that purpose. And whereas it appears unto us, that
it was agreed between the parties to the said articles,
that after the words, Limerick, Clare, Kerry, Cork,
Mayo, or any of them, in the second of the said
articles, the words following, viz. " And all such as
" are under their protection in the said counties,"
should be inserted, and be part of the said articles.
Which words having been casually omitted by the
writer, the omission was not discovered till after the
said articles were signed, but was taken notice of be-
fore the second town was surrendered: and that our
said justices and general, or one of them, did promise
that the said clause should be made good, it being
within the intention of the capitulation, and inserted
in the foul draft thereof. Our further will and plea-
sure is, and we do hereby ratify and confirm the said
omitted words, viz. " And all such as are under
their protection in the said counties," hereby for us,
our

our heirs and successors, ordaining and declaring, that all and every person and persons therein concerned, shall and may have, receive, and enjoy the benefit thereof, in such and the same manner, as if the said words had been inserted in their proper place, in the said second article; any omission, defect, or mistake in the said second article, in any wise notwithstanding. Provided always, and our will and pleasure is, that these our letters patents shall be enrolled in our court of Chancery, in our said kingdom of Ireland, within the space of one year next ensuing. In witness, &c. witness our self at Westminster, the twenty-fourth day of February, anno regni regis & reginæ Gulielmi & Mariæ quarto per breve de privato sigillo. Nos autem tenorem premissor. predict. Ad requisitionem attornat. general. domini regis & dominæ reginæ pro regno Hiberniæ. Duximus exemplificand. per presentes. In cujus rei testimonium has literas nostras fieri fecimus patentes. Testibus nobis ipsis apud Westmon. quinto die Aprilis, annoq. regni eorum quarto.

BRIDGES.

Examinat.	{	S. KECK.	{	In Cancel.
per nos	{	LACON W ^m . CHILDE.	{	Magistros.

MILITARY ARTICLES agreed upon between the Baron De Ginckle, Lieutenant General, and Commander in Chief of the English army, on the one side.

And the Lieutenant Generals De Uffoon and De Tefse, Commanders in Chief of the Irish Army, on the other; and the General Officers hereunto subscribing.

I. **T**HAT all persons without any exceptions, of what quality or condition soever, that are willing to leave the kingdom of Ireland, shall have free liberty to go to any country beyond the seas (England and Scotland excepted) where they think fit, with their families, household-stuff, plate, and jewels.

II. That all general officers, colonels, and generally all other officers of horse, dragoons, and footguards, troopers, dragooners, soldiers of all kinds that are in any garrison, place, or post, now in the hands of the Irish, or encamped in the counties, of Cork, Clare, and Kerry, as also those called Rapparees, or volunteers, that are willing to go beyond seas as aforesaid, shall have free leave to embark themselves wherever the ships are that are appointed to transport them, and to come in whole bodies as they are now composed, or in parties, companies, or otherwise, without having any impediment, directly or indirectly.

III. That all persons above-mentioned, that are willing to leave Ireland and go into France, shall have leave to declare it at the times and places hereafter mentioned, viz. the troops in Limerick, on Tuesday next in Limerick; the horse at their camp on Wednesday, and the other forces that are dispersed in the counties of Clare, Kerry, and Cork, on the 8th instant, and on none other, before Monsieur Tameron, the French intendant, and Colonel Withers; and after such declaration is made, the troops that will go into France must remain under the command
and

and discipline of their officers that are to conduct them thither ; and deserters of each side shall be given up, and punished accordingly.

IV. That all English and Scotch officers that serve now in Ireland, shall be included in this capitulation, as well for the security of their estates and goods in England, Scotland, and Ireland, (if they are willing to remain here,) as for passing freely into France, or any other country to serve.

V. That all the general French officers, the intendant, the engineers, the commissaries at war, and of the artillery, the treasurer, and other French officers, strangers, and all others whatsoever, that are in Sligo, Ross, Clare, or in the army, or that do trade or commerce, or are otherways employed in any kind of station or condition, shall have free leave to pass into France, or any other country, and shall have leave to ship themselves, with all their horses, equipage, plate, papers, and all their effects whatever ; and that General Ginckle will order passports for them, convoys, and carriages, by land and water, to carry them safe from Limerick to the ships where they shall be embarked, without paying any thing for the said carriages, or to those that are employed therein, with their horses, cars, boats, and shallops.

VI. That if any of the aforesaid equipages, merchandize, horses, money, plate, or other moveables, or household-stuff belonging to the said Irish troops, or to the French officers, or other particular persons whatsoever, be robbed, destroyed, or taken away by the troops of the said general, the said general will order it to be restored, or payment to be made according to the value that is given in upon oath by the person so robbed or plundered : and the said Irish troops to be transported as aforesaid : and all other persons belonging to them, are to observe good order in their march and quarters, and shall restore whatever they shall take from the country, or make restitution for the same.

VII. That

VII. That to facilitate the transporting the said troops, the general will furnish fifty ships, each ship's burthen two hundred tons ; for which, the persons to be transported shall not be obliged to pay, and twenty more, if there shall be occasion, without their paying for them ; and if any of the said ships shall be of lesser burthen, he will furnish more in number to countervail ; and also give two men of war to embark the principal officers, and serve for a convoy to the vessels of burthen.

VIII. That a commissary shall be immediately sent to Cork to visit the transport ships, and what condition they are in for sailing : and that as soon as they are ready, the troops to be transported shall march with all convenient speed, the nearest way, in order to embark there : and if there shall be any more men to be transported than can be carried off in the said fifty ships, the rest shall quit the English town of Limerick, and march to such quarters as shall be appointed for them, convenient for their transportation, where they shall remain till the other twenty ships be ready, which are to be in a month ; and may embark on any French ship that may come in the mean time.

IX. That the said ships shall be furnished with forage for horse, and all necessary provisions to subsist the officers, troops, dragoons, and soldiers, and all other persons that are shipped to be transported into France ; which provisions shall be paid for as soon as all are disembarked at Brest or Nantz, upon the coast of Brittany, or any other port of France they can make.

X. And to secure the return of the said ships (the danger of the seas excepted) and payment for the said provisions, sufficient hostages shall be given.

XI. That the garrisons of Clare-castle, Ross, and all other foot that are in garrisons in the counties of Clare, Cork, and Kerry, shall have the advantage of this present capitulation ; and such part of those garrisons as design to go beyond seas, shall march
out

out with their arms, baggage, drums beating, ball in mouth, match lighted at both ends, and colours flying, with all the provisions, and half the ammunition that is in the said garrisons, and join the horse that march to be transported ; or if then there is not shipping enough for the body of foot that is to be next transported after the horse, General Ginckle will order that they be furnished with carriages for that purpose, and what provisions they shall want in their march, they paying for the said provisions, or else that they may take it out of their own magazines.

XII. That all the troops of horse and dragoons, that are in the counties of Cork, Kerry, and Clare, shall also have the benefit of this capitulation ; and that such as will pass into France, shall have quarters given them in the counties of Clare and Kerry, apart from the troops that are commanded by General Ginckle, until they can be shipped ; and within their quarters they shall pay for every thing, except forage and pasture for their horses, which shall be furnished gratis.

XIII. Those of the garrison of Sligo that are joined to the Irish army, shall have the benefit of this capitulation ; and orders shall be sent to them that are to convey them up, to bring them hither to Limerick the shortest way.

XIV. The Irish may have liberty to transport nine hundred horse, including horses for the officers, which shall be transported gratis : and as for the troopers that stay behind, they shall dispose of themselves as they shall think fit, giving up their horses and arms to such persons as the general shall appoint.

XV. It shall be permitted to those that are appointed to take care for the subsistence of the horse, that are willing to go into France, to buy hay and corn at the king's rates wherever they can find it, in the quarters that are assigned for them, without any let or molestation, and to carry all necessary provisions out of the city of Limerick ; and for this purpose,

purpose, the general will furnish convenient carriages for them to the places where they shall be embarked.

XVI. It shall be lawful to make use of the hay preserved in the stores of the county of Kerry, for the horses that shall be embarked; and if there be not enough, it shall be lawful to buy hay and oats wherever it shall be found, at the king's rates.

XVII. That all prisoners of war, that were in Ireland the 28th of September, shall be set at liberty on both sides; and the general promises to use his endeavours, that those that are in England and Flanders shall be set at liberty also.

XVIII. The general will cause provisions and medicines to be furnished to the sick and wounded officers, troopers, dragoons, and soldiers of the Irish army that cannot pass into France at the first embarkment; and after they are cured, will order them ships to pass into France, if they are willing to go.

XIX. That at the signing hereof, the general will send a ship express to France; and that besides, he will furnish two small ships of those that are now in the river of Limerick, to transport two persons into France that are to be sent to give notice of this treaty; and that the commanders of the said ships shall have orders to put ashore at the next port of France where they shall make.

XX. That all those of the said troops, officers, and others, of what character soever, that would pass into France, shall not be stopped upon the account of debt, or any other pretext.

XXI. If after signing this present treaty, and before the arrival of the fleet, a French packet-boat, or other transport-ship, shall arrive from France in any other part of Ireland, the general will order a passport, not only for such as must go on board the said ships, but to the ships to come to the nearest port, to the place where the troops to be transported shall be quartered.

XXII. That after the arrival of the said fleet, there shall be free communication and passage between it
and

and the quarters of the abovesaid troops; and especially, for all those that have passes from the chief commanders of the said fleet, or from Monsieur Tameron the intendant.

XXIII. In consideration of the present capitulation, the two towns of Limerick shall be delivered and put into the hands of the general, or any other person he shall appoint, at the time and days hereafter specified, viz. the Irish town, except, the magazines and hospital, on the day of the signing of these present articles; and as for the English town, it shall remain, together with the island, and the free passage of Thomond-bridge, in the hands of those of the Irish army that are now in the garrison, or that shall hereafter come from the counties of Cork, Clare, Kerry, Sligo, and other places above-mentioned, until there shall be convenience found for their transportation.

XXIV. And to prevent all disorders that may happen between the garrison that the general shall place in the Irish town, which shall be delivered to him, and the Irish troopers that shall remain in the English town and the island, which they may do, until the troops to be embarked on the first fifty ships shall be gone for France, and no longer; they shall entrench themselves on both sides, to hinder the communication of the said garrisons; and it shall be prohibited on both sides, to offer any thing that is offensive; and the parties offending shall be punished on either side.

XXV. That it shall be lawful for the said garrison to march out all at once, or at different times, as they can be embarked, with arms, baggage, drums beating, match lighted at both ends, bullet in mouth, colours flying, six brass guns, such as the besieged will chuse, two mortar-pieces, and half the ammunition that is now in the magazines of the said place; and for this purpose, an inventory of all the ammunition in the garrison shall be made in the presence of any person that the general shall appoint, the next day after these present articles shall be signed.

XXVI. All

XXVI. All the magazines of provisions shall remain in the hands of those that are now employed to take care of the same, for the subsistence of those of the Irish army that will pass into Faance: and if there shall not be sufficient in the stores, for the support of the said troops, whilst they stay in this kingdom, and are crossing the seas, that upon giving up an account of their numbers, the general will furnish them with sufficient provisions at the king's rates; and that there shall be a free market at Limerick, and other quarters, where the said troops shall be; and in case any provision shall remain in the magazines of Limerick when the town shall be given up, it shall be valued, and the price deducted out of what is to be paid for the provisions to be furnished to the troops on ship-board.

XXVII. That there shall be a cessation of arms at land, as also at sea, with respect to the ships, whether English, Dutch, or French, designed for the transportation of the said troops, until they shall be returned to their respective harbours; and that, on both sides, they shall be furnished with sufficient passports both for ships and men; and if any sea-commander, or captain of a ship, or any officer, trooper, dragoon, soldier, or any other person, shall act contrary to this cessation, the persons so acting shall be punished on either side, and satisfaction shall be made for the wrong that is done; and officers shall be sent to the mouth of the river of Limerick, to give notice to the commanders of the English and French fleets of the present conjuncture, that they may observe the cessation of arms accordingly.

XXVIII. That for the security of the execution of this present capitulation, and of each article therein contained, the besieged shall give the following hostages ———— And the general shall give ————.

XXIX. If before this capitulation is fully executed, there happens any change in the government, or command of the army, which is now commanded by General Ginckle; all those that shall be appointed

ed to command the same, shall be obliged to observe and execute what is specified in these articles, or cause it to be executed punctually, and shall not act contrary on any account.

October 19.

Baron DE GINCKLE.

STATE

ed to command the same, shall be obliged to observe
and execute what is specified in these articles, or else
it to be executed punctually, and shall not be contrary
to any account.

October 10.

Baron D. G. G. G.

Baron D. G. G. G.

Baron D. G. G. G.

Baron D. G. G. G.

Baron D. G. G. G.

Baron D. G. G. G.

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Baron D. G. G. G.

Baron D. G. G. G.

S T A T E

O F T H E

CATHOLICS OF IRELAND,

FROM THE SETTLEMENT UNDER

K I N G W I L L I A M,

T O T H E

RELAXATION OF THE POPERY LAWS,

IN THE YEAR 1778.

S T A T E

OF THE

CATHOLICS OF IRELAND

FROM THE SETTLEMENT

K I N G W I L L I A M

THE

RELAXATION OF THE HOPEFUL

IN THE YEAR 1758.

S T A T E
O F T H E
C A T H O L I C S
O F
I R E L A N D.

C H A P. I.

Infringement of the articles of Limerick.

AFTER a tedious and melancholy narrative of the state of the Irish catholics at different periods, for the space of more than of one hundred and fifty years, I should have no occasion to relate the following, had their sufferings ended at the surrender of Limerick. Then indeed they might subscribe with others, in proclaiming the change, a *glorious revolution!* But the conditions they had by that surrender obtained (I may say sealed with their blood), though agreed upon and signed by both parties, in the most solemn manner, and afterwards ratified and approved by both their majesties, King William and Queen Mary, under the great seal of England, were soon after basely infringed contrary to the law of nature, the law of nations, and the public faith.

The infringement of these articles on the part of government commenced very early after they were signed; and it was afterwards repeated, from time to

time, in such a manner, as to prepare the minds of the people to receive with less surprize, the total violation of them by acts "to prevent the further growth of popery," which were then in contemplation.

For although by the first military article, "It was agreed, that all persons of what quality soever, that were willing to leave the kingdom, should have free liberty to go into any country beyond the seas (England and Scotland excepted) with their families;" yet, it is confessed that the lords justices, and General Ginckle, endeavoured to render this article of as little force as possible, "for as great numbers of the Irish officers and soldiers had resolved to enter into the service of France, and to carry their families with them, Ginckle would not suffer their wives and children to be shipped off with the men; not doubting but that by detaining the former, he would have prevented many of the latter from going into that service. This, I say, was confessedly an infringement of that article.

And in less than two months after the capitulation of Limerick was confirmed by their majesties,² "the justices of peace, sheriffs, and other magistrates, presuming on their power in the country, did, in an illegal manner, dispossess several of their majesties subjects, not only of their goods and chattels, but of their lands and tenements, to the great disturbance of the peace of the kingdom, subversion of the law, and reproach of their majesties government." It appears from a letter of the lords justices of the 19th of November, 1691, "that their lordships had received complaints from all parts of Ireland, of the ill treatment of the Irish, who had submitted, had their majesties protection, or were included in articles; and that they were so extremely terrified with apprehensions of the continuance of that usage, that some thousands of them, who had quitted the Irish army, and went home with a resolution not to go for France, were then come back again, and pressed earnestly to go thither, rather than stay in Ireland, where, contrary to the public faith (add these justices)

¹ Harris's Life of King William.

² Id. ib. f. 357.

justices) as well as law and justice, they were robbed of their substance and abused in their persons."

In vain did the government of Ireland pretend to put a stop to this crying injustice and cruelty of the inferior civil officers. The lords justices themselves soon after became equally guilty in these respects. It is confessed, ³ "that Capel, lord justice, in 1693, proceeded as far as it was in his power, to infringe the articles of Limerick." In 1695, the same lord Capel being deputy, was held the first Irish parliament in this reign. If the Irish catholics, then expected the performance of their articles, and of their majesties solemn promise, to procure them such further security from parliament in the particular of religion, as might prevent them from any future disturbance on that account, "they⁴ were indeed miserably disappointed; for instead of performing that promise, his majesty, on the contrary, suffered several such acts and resolutions^a to be passed in that parliament, as gave them infinite disturbance, on account of their religion." But these were only preparatory steps to the several acts then in agitation, "to prevent the further growth of popery."

Q 2

C H A P.

³ Harris's Life of King William, f. 350. ⁴ Id. ib.

^a 7 & 9 Wm. 3. sess. 1. c. 26. All popish archbishops, bishops, vicars general, deans, jesuits, monks, friars, and all other regular popish clergy, and all papists exercising any ecclesiastical jurisdiction, shall depart this kingdom before the 1st of May, 1698. And if any of them, shall be at any time after the said day within this kingdom, they shall be imprisoned, and remain there without bail till they be transported beyond the seas out of the king's dominions, wherever the king, his heirs or successors, or chief governors of this kingdom shall think fit: And if any so transported, shall return again into this kingdom, then to be guilty of high treason, and to suffer accordingly.

And from the 29th of December, 1697, no popish archbishop, &c. shall come into this kingdom from any parts beyond the seas, on pain of twelve months imprisonment, and then to be transported in manner aforesaid; and if after such transportation, any of them return again into this kingdom, they shall be guilty of high treason, and suffer accordingly.

And

C H A P. II.

Severe laws made against catholics.

AMONG many other severe laws, then enacted, against Irish catholics, his majesty gave the royal assent to that illiberal act to restrain foreign education,^a by which it is provided, “that, if any subjects of Ireland should after that session of parliament, go, or send, any child or person, to be educated in any popish university, college or school, or in any private family, or if such child

And any person that shall from the 1st of May, knowingly conceal, or entertain any such popish archbishops, bishops, &c. hereby required to depart out of this kingdom, or that after the said day shall come into this kingdom, shall for the first offence forfeit 20l. for the second double the sum, and if he offend the third time, shall forfeit all his lands and tenements of freehold or inheritance, during his life; and also all his goods and chattels; one moiety to the king, his heirs and successors, and the other moiety to the informer (so as it exceed not 100l.) and the surplussage of what shall remain, to the king.

December 1st, 1697. “Resolved, that part of the act 2d Eliz. chap. 2d. which obliges every person, not having a lawful or reasonable excuse to be absent, to resort every Sunday to church, and there abide during the time of common prayer, preaching, and other service of God be there ministered, under pain of forfeiting for every neglect, twelve-pence, ought to be put in execution.” Com. Jour. vol. ii. f. 984. Are not these a direct and immediate violation of the first article of Limerick, and of king William’s solemn promise for the free exercise of the catholic religion?

“Whilst this restraint upon foreign and domestic education was part of an horrible and impious system of servitude, the members were well fitted to the body. To render men patient, under a deprivation of all the rights of human nature, every thing which could give them a knowledge or feeling of those rights was rationally forbidden. To render humanity fit to be insulted, it was fit that it should be degraded. . . . Indeed I have ever thought the prohibition of the means of improving our rational nature, to be the worst species of tyranny that the insolence and perverseness of mankind ever dared to exercise. This goes to all men, in all situations, to whom education can be denied.” Lett. Eng. Commoner to a Peer of Irel. p. 13.

child should, by any popish person, be instructed in the popish religion, or if any subjects of Ireland should send money or other things towards the maintenance of such child or other person, already sent or to be sent, every such offender, being thereof convicted, should be for ever disabled to sue, or prosecute any action, bill, plaint, or information in law, or equity; to be guardian, administrator, or executor to any person, or to be capable of any legacy or deed of gift, and besides, should forfeit all their estates, both real and personal, during their lives." This law was rigorously executed during that and the succeeding reign.

In the same session, "it was resolved, *nemine contradicente*, that the excluding of papists from having votes for the electing of members to serve in parliament was necessary to be made into a law." ^b Nothing certainly, but such a law was wanting to complete the slavery of these people, and they were, accordingly, afterwards excluded in the first act to prevent the further growth of popery in the following reign. Thus were these, and divers other proceedings of the like enslaving-tendency against these people, permitted and countenanced by a prince, the boasted restorer of liberty to these kingdoms, whose public faith and honour were solemnly engaged to preserve their former privileges entire; and to endeavour to obtain from parliament further security for them, in the article of religion, which was what alone rendered them thus obnoxious to government.

It

^b "The taking away of a vote (says the same English commoner) is the taking away the shield which the subject has, not only against the oppression of power, but that worst of all oppressions, the persecution of private society, and private manners. No candidate for parliamentary influence is obliged to the least attention towards them, either in cities or counties. On the contrary, if they should become obnoxious to any bigotted or malignant people amongst whom they live, it will become the interest of those who court popular favour, to use the numberless means which always reside in magistracy and influence, to oppress them. The proceedings in a certain county in Munster, (in the 1769), read a strong lecture on the cruelty of depriving men of that shield, on account of their speculative opinions. Id. ib.

It is really shameful to see what mean, malicious, and frivolous complaints against papists were received under the notion of grievances, by that parliament. "A petition of one Edward Sprag and others in behalf of themselves and other protestant porters, in and about the city of Dublin, complaining, that one Darby Ryan a papist, employed porters of his own persuasion, having been received and read, it was ordered to be referred to the examination and consideration of the committee of grievances, and that they should report their opinion thereon to the house." It is observable, that the complaint of the petition was not, that these protestant porters were not employed by Ryan, but that the popish porters were.

And yet these same commons, that shewed such remarkable deference to this trifling petition of the protestant coal-porters of Dublin, were not ashamed to refuse, in the same session, common justice, in a matter of the last consequence, to several of the most respectable Roman catholics of Ireland. For, upon a bill's being brought before them, very improperly intitled an act,¹ "for the confirmation of the articles of Limerick." A petition of Robert Cusack, gentleman, Capt. Francis Segrave, and Capt. Maurice Eustace, in behalf of themselves and others comprized under the articles of Limerick, setting forth, that in the said bill there were several clauses that would frustrate the petitioners of the benefit of the same; and if passed into a law, would turn to the ruin of some, and the prejudice of all persons intitled to the benefit of the said articles, and praying to be heard by counsel to said matters; having been presented and read, it was unanimously resolved that said petition should be rejected."

C H A P.

¹ Com. Jour. vol. ii. f. 699. ² Ib. f. 932.

C H A P. III.

The catholics of Limerick cruelly treated.

IT would be too tedious and irksome, to recite all the other instances of the breach of these articles, which we find recorded and avowed in the public journals of that parliament. I shall, therefore, only take notice of one remarkable passage, which immediately preceded the passing of the first act to prevent the further growth of popery.

The catholic citizens of Limerick thought themselves particularly secured, by their articles, from any future molestation or disturbance on account of their religion; but besides what they had already suffered, in common with the rest of their countrymen of the same persuasion, they are now compelled to abandon their dwellings, and settlements there, on that single account: "for upon a petition of the mayor, sheriffs, and protestant aldermen of that city, complaining, (like the protestant coal-porters of Dublin before-mentioned) that they were greatly damaged in their trade, by the great numbers of papists residing there, and praying to be relieved therein; a clause was ordered to be inserted in the act "to prevent the further growth of popery," that every person of the popish religion, then inhabiting within the said city, or its suburbs, should give in sufficient bail or security, before the chief magistrate of the said city, that they would bear themselves faithfully towards her majesty; or in default of giving such security, should depart out of the said city and suburbs."

But

^a By the 2d of the civil articles of Limerick, "the inhabitants or residents thereof, of what profession, trade, or calling soever they be, shall, and may use, exercise, and practise their respective trades and callings there, as freely as they did use, exercise and enjoy the same in the reign of King Charles the second." And yet says Sir Theobald Butler, in his pleading
against

But besides the difficulty these people were under of getting such security, as, at that period of jealousy and distrust, would be allowed sufficient by the chief-magistrate, who was himself the principal petitioner against them; even those few catholic inhabitants, whose security was unexceptionable, and who consequently could not be hindered to continue in their habitations, were yet, soon after, put under a necessity of abandoning them, of their own accord; unless it can be supposed, that trading people can live contentedly, or with any sort of convenience, in a place where they are forced to remain separate from their wives, children, and servants. For that such was to be the situation of those few licensed catholics (not more than twenty¹ were suffered to be thus licenced), is manifest from hence, that² “in March 1704, a petition from the Roman catholic inhabitants of Limerick, praying that bail might be taken for their wives, children and servants, as inhabitants thereof, having been presented to the house, and read, it was ordered to be rejected.”^b

C H A P.

¹ Com. Journ. vol. iii. fol. 133.² Ib. f. 281.

against this clause, in the act of the 2d of Queen Anne, “the Roman catholic citizens of Limerick are prohibited by it from living or staying there, even such as were under the articles, and by virtue thereof had even since (1691) lived there, without giving such security, as neither these articles, nor any law heretofore in force, do require, except seamen, fishermen, and day-labourers, who did not pay above forty shillings a year rent.”

^b The act to prevent the further growth of popery sets forth, “that if any person or persons of the popish religion, other than such trading merchants (viz. seamen, fishermen, and day-labourers, who did not pay above forty shillings a year rent), not exceeding twenty, in each of the towns of Limerick and Galway, as shall be licensed by the chief governor and governors of this kingdom, for the time being, shall presume to live, dwell, or inhabit, or take any house or tenement, in either of said towns, or their suburbs; he or they shall forfeit all his or their goods and chattels, and suffer imprisonment for the space of one whole year.” Com. Journ. vol. iii. f. 133.

C H A P. IV.

Penal laws to prevent the further growth of popery.

IT is worthy of particular notice, that about the time of passing this first act to prevent the further growth of popery, several members of the house of commons resigned their seats, desiring that writs might be issued to chuse other members in their room. And these resignations became then so frequent, that the house found it necessary to resolve,¹ “that the excusing of members, at their own request, from the service of the house, and thereupon issuing out new writs to elect other members to serve in their places, was of dangerous consequence, and tended to the subversion of the constitution of parliament.” But the humour of resigning still continuing, it was afterwards “unanimously resolved,² that it might be made the standing order of the house, that no new writs for electing members of parliament, in the place of members excusing themselves from the service of the house, do issue, at the desire of such members, notwithstanding any former precedents to the contrary.” So many, and such unusual resignations, evidently shew, that several members, even of that parliament, were ashamed of their proceedings, and unwilling to be thought to have been any way concerned in them.

In 1703, when the Irish commons, in a body,³ presented to the Duke of Ormond, then lord lieutenant of Ireland, the first bill to prevent the further growth of

¹ Ib. f. 296.² Ib.

³ “The commons (says Burnet) offered this bill to the Duke of Ormond, pressing him with more than usual vehemence, to intercede so effectually, that it might be returned back under the great seal of England. It came over warmly recommended by the Duke of Ormond, &c.” Hist. of his own Times, vol. ii. f. 214.

of popery, to be transmitted into England, his grace was pleased to give them his promise, which, indeed, he punctually performed, ³ “that he would recommend it in the most effectual manner, and do every thing in his power to prevent the growth of popery.”

There is no room to doubt of the Duke of Ormond's having always professed himself a zealous and steadfast protestant. But what evidently shews, that his civil orthodoxy was not, therefore, the more to be relied upon, is, that he afterwards deserted his protestant king, and adhered to a popish pretender to his throne. For which the Irish commons unanimously voted him “guilty of high treason; ⁴ his estate to be vested in the crown; and that a reward of ten thousand pounds should be offered for apprehending him, in case he landed in any part of Ireland.” So that he who, in 1704, had been addressed by them with particular marks of love and veneration, on account of his having procured this barrier to the protestant religion, as that law was then, and has been since called; became afterwards, in 1715, the public object of their aversion and contempt. For in their address to the king, on occasion of the rebellion which had then broke out in Scotland, they told his majesty, ⁵ “that it was with the utmost concern, they found that this country gave birth to James Butler, late Duke of Ormond; a person who, in despite of his allegiance, and the obligations of repeated oaths, has been one of the chief authors and fomenters of that wicked and unnatural rebellion.”

But, indeed, what better could these commons have expected from a person, “who, ⁶ regardless of public faith, and the articles of the capitulation of Limerick, had procured to be enacted, a penal statute, through which there runs such a vein of ingenious cruelty, that it seems to be dictated rather by some prætor of Dioclesian, than by a British or Irish nobleman?” It was a singular circumstance in this duke's fortune, that although

³ Com. Journ. vol. iii. f. 201.

⁴ Id. vol. iv. f. 64.

⁵ Id. ib. f. 21.

⁶ Confid. Pen. Laws.

though in his expedition on the coast of Spain, his soldiers committed many outrages, and profanations of what was held sacred by the inhabitants; yet after the bill of attainder had passed against him, he fled for protection to that country, where he had connived at the sacrilegious excesses of his army; and afterwards retired to Avignon, a territory belonging to the first prelate of that church, which he had treated with so much cruelty.

Upon the return of this bill to prevent the further growth of popery from England,⁶ “Nicholas Lord Kingsland, Colonel John Brown, Colonel Burke, Colonel Robert Nugent, Major Allen, Captain Arthur French, with other Roman catholics of Ireland, and persons comprized in the articles of Limerick and Galway, petitioned to be heard by counsel against it; which was granted.”

This returned bill had a clause inserted in England, which gave great offence to the whole body of dissenters in Ireland; many of whom, then in the house of commons, were persons of considerable power and influence. For this reason it was expected,^b that it would have been totally laid aside; and the rather, because the dissenters had lately received no small disgust by a resolution of a committee in October 1703,⁷ “that the pension of one thousand two hundred pounds per

⁶ Com. Jour. vol. iii. f. 173.

⁷ Id. vol. ii. f. 76.

^b “A clause was added (in England), which they (Roman catholics) hoped would hinder its being accepted in Ireland. That matter was carried on so secretly, that it was known to none but those who were at the council, till the news of it came from Ireland, upon its being sent thither. The clause was to this purpose, that none in Ireland should be capable of any employment, or of being in the magistracy of any city, who did not qualify themselves by receiving the sacrament, according to the test-act passed in England; which before this time had never been offered to the Irish nation. It was hoped, by those who got this clause added to the bill, that those in Ireland, who promoted it most, would now be the less fond of it, when it had such a weight hung to it.” Burnet’s Hist. of his own Times, vol. ii. f. 214.

per annum, granted to the presbyterian ministers in Ulster, was an unnecessary branch of the establishment."

The dissenters, in their petition to the commons on occasion of the above mentioned clause, complained, "that,⁸ to their great surprize and disappointment, they found a clause inserted in the act to prevent the further growth of popery, which had not its rise in that honourable house; whereby they were disabled from executing any public trust, for the service of her majesty, the protestant religion, or their country; unless, contrary to their consciences, they should receive the Lord's supper, according to the rights and usages of the established church."

This clause has been since called the sacramental test, then first imposed on the dissenters of Ireland; whose zeal against popery was so credulously blind at that juncture, that upon a promise given them of having it repealed on the first opportunity, they readily concurred in passing, together with the clauses against popery, that mortifying one against themselves. But their friends in parliament, afterwards wanting either the power or the inclination to make good their promise, that clause was not only left unrepealed, but also put in frequent and strict execution, during all queen Anne's reign. In October 1707, these commons entered into such severe resolutions against dissenters, as plainly shewed, how little confidence their brethren ought to have placed in the promise they made them in 1703. For first, they "resolved that,⁹ by an act to prevent the further growth of popery, the burgeses of Belfast were obliged to subscribe the declaration, and receive the sacrament according to the usage of the church of Ireland." And secondly, upon the non-compliance of some of these burgeses; "that the burgesship of the said burgeses of Belfast, who had not subscribed the declaration, and received the sacrament, pursuant to the said act, was, by such neglect, become

⁸ Presbyterian Loyalty, sub finem.

⁹ Com. Journ. vol. iii. f. 546.

become vacant.”¹⁰ In short, notwithstanding the most strenuous and repeated efforts ever since made by the dissenters, to have that disqualifying clause repealed, it still remains in full force against them;* although its execution has been either artfully evaded, or benignly connived at, since the accession of the present royal family to the throne of these kingdoms.

C H A P. V.

The same subject continued.

ON the 23d of February, 1703, pursuant to leave given by the commons,¹ Sir Theobald Butler, Counsellor Malone, and Sir Stephen Rice (the two former in their gowns, as counsel for the petitioners in general, and the last without a gown, as only a petitioner in his private capacity), appeared at the bar of the house of commons. Sir Theobald Butler, the first and principal speaker on this occasion, demonstrated in a long and pathetic speech,² that almost every clause in the act then before them, relating to the Roman catholics of Ireland, was a direct infringement of one or other of the articles of Limerick, which he, at the same time, held in his hand. “Articles,” added he,² “solemnly engaged to them, as the public faith of the nation! That all the Irish, then in arms against the government, had submitted thereunto, and surrendered the city of Limerick, and all the other garrisons in their possession; when they were in a condition to have held out, till they might have been relieved by the succours then coming out of France; that they had
taken

¹⁰ Id. ib.

¹ Account of the Debates on the Popery Law of 2d. Q. Ann.

² Ib.

* This clause was repealed without any opposition in the sessions of 1782.

² See Appendix No. XV.

taken such oaths to the king and queen, as by the said articles they were obliged to take; that their submission was upon such terms, as ought to be then, and at all times, made good to them; and that therefore to break those articles, would be the greatest injustice for any one people in the whole world to inflict upon another, being contrary to the laws of both God and man. That the case of the Gibeonites, 2 Sam. xxi. 1. was a fearful example of the breach of public faith, which, above an hundred years after, brought nothing less than a three years famine on the land; and stayed not until the lives of all Saul's family atoned for it. That even among the Heathens, and most barbarous of nations, all the world over, the public faith was always held sacred and binding, and that surely it would find no less regard in that honourable assembly."

The same, and other arguments, against the passing of this bill, were suffered to be pleaded at the bar of the house of lords; but were equally disregarded by both houses. The petitioners were told, "that if they were to be deprived of the benefit of the articles of Limerick, it would be their own faults, since by conforming to the established religion, they would be entitled to these and many other benefits; that therefore they ought not to blame any but themselves; that the passing of that bill into a law was needful for the security of the kingdom at that juncture; and in short, that there was nothing in the articles of Limerick, that should hinder them to pass it."

This answer of the commons needs no commentary; the former part of it evidently exhibits nothing else but downright mockery, and a public insult on national faith. And by the latter, besides the notorious falsehood of it, a maxim seems to be adopted, that tends to destroy all trust and confidence among men, viz. that the most solemn engagements between parties may be violated or set aside by either of them, upon a feigned or groundless apprehension of danger from the other,

³ Debates, ubi supra.

other, by keeping it. I call the apprehension of danger, in this case, feigned or groundless; because I think, I may venture to challenge the ablest and most zealous sticklers for this law, to produce even one instance of such misconduct of the Roman catholics of Ireland, from the year 1691, when the articles of Limerick were signed, to the year 1704, when this first act to prevent the further growth of popery was passed, as could occasion in the government any apprehension of danger or disturbance from them. That no such instance could be then produced, appears from hence, that one of the principal objections to their conduct was, "their not having congratulated her majesty queen Anne, by a dutiful address, on her accession to the throne, as her protestant subjects had done;" which, as it may be reasonably accounted for, from their distressed, persecuted, and desponding condition at that juncture; so, had they actually addressed her majesty on that occasion, in the most humble and dutiful manner that could be devised, most probable it is, that their very accusers would have considered and represented it, as the meer effect of adulation and hypocrisy; if not of insolence and presumption in them.

Thus on the 4th of March, 1704, the royal assent was given to an act, which, besides its being a violation of national faith, has been hitherto productive of every species of private, as well as public, injury; by stripping men of their property, for not parting with their integrity; by fining and imprisoning them, for conscientious dissent from settled forms of worship; or for holding tenets merely spiritual,^a and totally foreign from

^a "We agree," says Dean Swift, speaking of the catholics, "with our fellow dissenters, that persecution, merely for conscience sake, is against the genius of the gospel. And so likewise, is any law for depriving men of their natural and civil rights which they claim as men. We are also ready enough to allow, that the smallest negative discouragements for uniformity's sake, are so many persecutions. Because, it cannot be denied, that the scratch of a pin is in some degree a real wound,

from any interference with the civil government of the state. So that our courts of justice and equity resembled, in these respects, the Roman tribunal punishing the primitive christians for not disavowing the doctrine of Jesus Christ, and embracing that of human institution.

Soon after this act was passed, the commons entered into such wild and intemperate resolutions, concerning the execution of it, and of other penal statutes which it revives and confirms, as shew them to have been as little influenced and directed by the dictates of common sense, as they were by those of common humanity. On the 17th of March, 1704, "they resolved unanimously,* that all *magistrates, and other persons whatsoever*, who neglected or omitted to put them in due execution, were *betrayers* of the liberties of the kingdom." In June, 1705, they "resolved,^s that the saying or hearing of mass, by persons who had not taken the oath of abjuration, *tended to advance the interest of the pretender.*" And that such judges and magistrates, as wilfully neglected to make diligent enquiry into, and discover *such wicked practices*, ought to be looked upon as enemies to her majesty's government." And least the judges, if not the inferior magistrates, should be somewhat ashamed of executing this new office of enquiring into, and *discovering* these wicked

* Com. Jour. vol. iii. f. 289.

^s Ib. f. 319.

as much as a stab through the heart. In like manner, an incapacity by law for any man to be made a judge, a colonel, or justice of peace, merely on point of conscience, is a negative discouragement, and consequently a real persecution. For, in this case, the author of a pamphlet [*Reasons for the repeal of the Sacramental Test*], puts a very pertinent and powerful question: That if God be the sole Lord of the conscience, why should the rights of conscience be subject to human jurisdiction? Now to apply this to the catholics: The belief of *transubstantiation* is a matter purely of religion and conscience, which doth not affect the political interest of society as such. Therefore, why should the rights of conscience, whereof GOD is the sole LORD, be subject to human jurisdiction? And why should GOD be deprived of this right over a catholic's conscience, any more than over that of any other dissenter." Swift's Works, vol. viii. p. 56.

wicked practices of saying and hearing mass, on account of that infamy which is commonly annexed to the trade of priest-catchers, discoverers, and informers,^b these commons had before taken care to resolve unanimously,^c “that the prosecuting and informing against papists, was an *honourable* service to the government.” Such was the good faith, good sense, and avowed honour of those bigotted times!

How very different from this, has been the state and condition of the protestants in Germany, ever since the famous treaty of Munster, in 1648? which was concluded with them by the emperor Ferdinand, for liberty of religious worship; and guaranteed by their most christian and catholic majesties, and other Roman catholic princes and states in Italy and Germany. “By this treaty,^d not only all their immunities, lands, territories, and dignities, together with the absolutely free and uncontrouled exercise of their religion, but also power to bear offices, and enjoy church livings, even bishoprics and archbishoprics were granted, and for ever secured to these protestants.”

“From hence it appears,” to use the words of the same writer,^e “how unstudied those men are in the great book of the world, who think that popish princes will not go on in the course of their politics, though the pope should assume a temporal jurisdiction to obstruct them.” Yet some there are, presuming to call themselves the only true ^c protestants, who, not con-

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^c Ib. ^d Sir Peter Pet's Happy Future State of Engl. Pref.

^e Ib.

^b “Informers (says a distinguished Law Lord in the British House of Peers) are an infamous and odious set of people; and in fact, the Irish popery laws, and the construction put upon them by the Irish lawyers and courts of justice, are a confused heap of oppression and nonsense, and have very much contributed to corrupt the morals of the people of that country.”

^c “And whereas another author among our brethren the dissenters, hath very justly complained, that by this persecuting *test act*, great numbers of *true protestants* have been forced to leave the kingdom, and fly to the plantations, rather than stand

tent with Roman catholics abjuring all civil power and temporal jurisdiction in popes over other princes, insist that it is absolutely necessary for the safety of every protestant government, under which they are suffered to live, that they should also renounce the pope's spiritual supremacy (the belief of which is an essential article of their religion, and has not the least connexion with, or relation to the temporal dominion of other princes); at the same time that those men, under a false notion of their christian liberty, and a strange presumption that they are authorised to interpret the scriptures in their own private sense, and to square their conduct accordingly, even in the highest political affairs, have themselves often usurped a spiritual authority (not controulable by any earthly power, as imagined to be founded on sacred writ), in virtue of which they have often excited, and afterwards justified, the most dangerous tumults and commotions; I may say, the subversion of government, civil and ecclesiastical.

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stand here *branded* with an incapacity for civil and military employments. We do affirm, that the *catholics* can bring many more instances of the same kind; some thousands of their religion having been forced by the *sacramental test*, to retire into other countries, rather than live here under the incapacity of wearing swords, sitting in parliament, and getting that share of power and profit which belongs to them as *fellow christians*, whereof they are deprived merely upon account of *conscience*, which would not allow them to take the sacrament after the manner prescribed in the liturgy. Hence it clearly follows, in the words of the same author [Reasons against the Test], that if we catholics are incapable of employments, we are punished for our *dissent*, that is, for our *conscience*, which wholly turns upon political considerations." Swift's Works, vol. viii. p. 56-7.

C H A P. VI.

Persecution of the catholics in the reign of queen Anne.

DURING all queen Anne's reign, the inferior civil officers, by order of the government, were incessantly hampering the Roman catholics with oaths, imprisonments, and forfeitures, without any other visible cause, but that of their religious profession; but the conduct of these people was still found so blameless, that it sometimes made their very persecutors ashamed of their severity. In the year 1708, on the bare rumour of an intended invasion of Scotland by the pretender,* "no fewer than forty-one Roman catholic noblemen and gentlemen were imprisoned in the castle of Dublin."

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* This persecution of the catholics of Ireland, had no other foundation but the pretender's being of the same religion with them; at the same time that the Irish presbyterians were highly favoured by government; although it appears from Mr. Hook's authentic Memoirs, that "the presbyterians in the western and southern counties (of Scotland), namely, in Clydesdale, Nithsdale, Galloway, Air, Kirkudbright, with those of the provinces of Tiviotdale, Tweeddale, and the Forest, were (at that juncture) resolved to take arms, and declare for the king (the pretender), and to raise 13,000 men, whom they were in a condition to be able to maintain; that they were ready to join themselves to the friends of the king, whether catholics or episcopals; that they would begin, and thereby give an opportunity to the rest to rise; and that they would put the strong castle of Dunbarton, on the river Clyde, into the hands of the person named by the king; that they had a correspondence with the north of Ireland, and were certain that the Scots who inhabit that province, would declare for them; that they were ready to declare unanimously for king James; that all they asked was liberty of conscience for themselves, as well as the catholics." Hook's Mem. p. 40, 41, 42.

"They are certain, that the inhabitants alone of the north of Ireland, who are Scots, will directly furnish 20,000 men, compleatly armed, under a commander of great reputation among them, who has thereto engaged himself." Id. ib. p. 4.

And when they were afterwards set at liberty, "because they had acted nothing against the government," the state was so sensible of the wrong done them by their long and irksome confinement, "that it remitted their fees, though they amounted to eight hundred and odd pounds."

What pitiful occasions were then taken, from every trifling circumstance of their religion, to persecute the persons of these unhappy people, appears, among numberless other instances, from the following passage; which, however inconsiderable in itself, has acquired some weight and importance from the remarkable notice taken of it by the Irish commons. It seems there is a place of pilgrimage with them in the county of Meath, called St. John's well, which had been frequented every summer from time immemorial, by infirm men, women, and children of that persuasion, in hopes of being relieved from their several disorders, by performing certain acts of devotion and penance there. This the Irish commons deemed an object worthy of their most serious consideration, and a matter of the greatest national concern; and accordingly passed a vote, that these sickly devotees, "were assembled in that place to the great hazard and danger of the public peace, and *safety of the kingdom*." In consequence of which, fines, imprisonments, and whipping were made the penalties of "such dangerous and tumultuous assemblies." A penance much more severe than, probably, these poor people intended to inflict on themselves; and from which they could hardly obtain any other cure of their disorders, but that never-failing one, death; which, in those times of religious rancour, frequently happened, by the extreme rigour of their punishment.

The scheme of the original framers of this law seems to have been, to drive the Roman catholic natives out of the kingdom^b (which effect it certainly produced on great numbers),

^b And even such of the Roman catholic natives, as were afterwards willing to return, were not permitted. For in 1713, the

numbers), and to introduce foreign protestants in their room. Accordingly, in the year 1709, at the request of the lords and others of the council, eight hundred and twenty-one protestant Palatine families were brought over to Ireland, and the sum of twenty-four thousand eight hundred and fifty pounds, five shillings and sixpence, appointed for their maintenance, out of the revenue, on a resolution of the commons, "that it would much contribute to the security of the kingdom, if the said Palatines were encouraged and settled therein." But the error of that policy was soon after discovered; for the lords, in their address to the queen, in 1711, thankfully acknowledge, "that her majesty's early care had even *prevented their own endeavours* to free the nation of that load of debt, which the bringing over numbers of *useless and indigent* Palatines had brought upon them." It is remarkable that only four, out of this great number of protestant strangers brought over for the security of the kingdom, enlisted in her majesty's army, though she was then actually engaged in a war with France.

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the commons ordered, that "an address should be made to her majesty, to desire her, that she would be pleased not to grant licences to papists to return into the kingdom." Com. Journ. vol. iii.

It was even dangerous for them to attempt, or endeavour to hear, what passed in the house of commons concerning themselves. For in the same year, an order was made there, "that the serjeant at arms should take into custody all papists, that were or should *presume* to come into the galleries." Ib. f. 976.

In the same year the house of commons in England, says Burnet, "came to a sudden vote, that those who had encouraged, and brought over the Palatines, were enemies to the nation. They even repealed a bill for the naturalization of all protestants, which had passed two years before, pretending that it gave the encouragement to the Palatines to come over." Hist. of his own Times, vol. ii. f. 338.

C H A P. VII.

Penal laws of discovery and gavel-kind enacted.

IN May 1709, was introduced into the house of commons, by Mr. Serjeant Caulfield, a bill for explaining and amending an act, intituled an act to prevent the further growth of popery. This bill was passed and transmitted into Great Britain, in due form, on the 20th of June following, and got the royal assent from Thomas Earl of Wharton, lord lieutenant of Ireland, on the 30th of August in the same year.

As this second act to prevent the further growth of popery did, indeed, complete the misery of these people, without even the pretence of any recent provocation on their part; it will probably throw light on this dark and iniquitous transaction, to give some sketches of the character of that chief governor, by whose influence and management, this new calamity was brought upon them, which I shall now do from the account left us of him and his administration here, by that real and venerable patriot, Dr. Jonathan Swift, who was personally acquainted with him.

“ Thomas Lord Wharton, by the force of a wonderful constitution, had passed, by some years, his grand climacteric, without any visible effects of old age, either on his body, or his mind; and in spite of a continual prostitution to those vices, which usually wear out both. His behaviour is in all the forms of a young man at five and twenty; whether he walks, or whistles, or swears, or talks bawdy, or calls names, he acquits himself in each beyond a templar of three years standing... He goes constantly to prayers in the forms of his place, and will talk bawdy or blasphemy at the chapel door. He is a presbyterian in politics, and an atheist in religion; he had imbibed his father's principles of government, and took up no other in its stead, excepting that circumstance, he is a firm presbyterian. It

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was confidently reported, as a conceit of his, that talking upon the subject of Irish bishops, he once said, with great pleasure, he hoped to make his w——e a B——p.

“ He is perfectly skilled in all the arts of managing at elections, as well as in large baits of pleasure, for making converts of young men of quality, upon their first appearance; in which public service he contracted such large debts, that the ministry in England were forced, out of mere justice, to leave Ireland at his mercy, where he had only time to set himself right; although the graver heads of his party think him too profligate and abandoned, yet they dare not be ashamed of him: for he is very useful in parliament, being a ready speaker, and content to employ his gift upon such occasions, where those who conceive they have any remains of reputation or modesty, are ashamed to appear.

“ He hath sunk his fortune by endeavouring to ruin one kingdom; and hath raised it by going far in the ruin of another. His administration of Ireland was looked upon as a sufficient ground to impeach him, at least for high crimes and misdemeanors; yet he has gained by the government of that kingdom, under two years, five and forty thousand pounds, by the most favourable computation, half in the regular way, and half in the prudential.”

The most ignominious part of this character was written, and I believe published, about the time of this earl's administration. The dean further adds, “ that he has had the honour of much conversation with his lordship, and that he was thoroughly convinced, how indifferent he was to applause, and how insensible of reproach; he is, says he, without the sense of shame or glory, as some men are without the sense of smelling, and therefore a good name to him is no more than a precious ointment would be to these.”

After having exhibited this genuine picture of his excellency and his government of Ireland, as I may say, from the life, it is but just, I should recite some part of those distinguished honours which were paid him by the

the Irish commons, on his passing this popery act, by which it will plainly appear, how exact a conformity of sentiment and disposition there was between his lordship and these commons.

“ Besides gratefully acknowledging her majesty’s most particular care of them, in appointing his excellency their chief governor, and earnestly wishing his long continuance in the government ;” they told him, “ that they could not, on that occasion, omit mentioning, how acceptable to the whole body of protestants his excellency’s endeavours had been in their favour ; to which, next to her majesty’s royal goodness, they justly attributed the return of the bill to *amend* the act to prevent the further growth of popery, in the manner the same was transmitted, notwithstanding the strong efforts made against it by the Irish papists in Great Britain.” With which address and acknowledgment his excellency desired the speaker to tell them, that he was extremely well pleased and satisfied.”

And, in truth, what governor could be better disposed or qualified than his excellency, as above described, was, to procure a law, which, under the specious pretence of preventing the growth of popery in Ireland, has, in reality, more effectually prevented the growth and improvement of every thing that is either useful or ornamental to that kingdom ; that instead of promoting true religion, and its genuine effects, public and private virtue, has given birth to more hypocrisy,^a and, under that dangerous disguise, to more of every other species of moral evil, and turpitude, than was before known in this, or any other part of the christian world ; a law,

^a Of this the legislature itself seemed sensible when it passed this act, and many years after. For such was its diffidence of converts made by it, even in the year 1725, that they then, “ resolved; that no person that is, or shall be converted from the popish religion, ought to be elected or admitted to serve as a member of this house, for *the space of seven years next after his conversion*; and unless he produces a certificate of having received the sacrament, according to the usage of the church of Ireland as by law established, thrice in every year, during the said term.” Com. Jour. vol. v. f. 290.

a law, by which great rewards are occasionally held forth to that vile and detested race of men, discoverers and informers, who, being thus legally countenanced and encouraged, plunder indiscriminately parents, brethren, kinsmen and friends, in despite of all the ties of blood, of affection and confidence; in breach of the divine law, and of all former human laws enacted in this or any other country, for the security of property, since the creation of the world!

C H A P. VIII.

Reasons assigned for making those laws.

TWO plausible reasons have been commonly assigned for the framing and continuing of these laws. First, their tendency to bring the papists of this kingdom to conformity in religion, and loyalty, with their protestant fellow-subjects; and next, their aptitude to weaken and impoverish such of them as prove refractory in these respects, to such a degree as to render both them, and their posterity utterly incapable of giving any future disturbance to this government. But is it not notorious that hypocrisy, and disaffection to the established religion and government, are the natural and constant effects of such forced conversions? And even supposing that converts thus made might at length become real protestants, and loyal subjects, “is evil to be done that good may arise therefrom,” in this one instance, when both reason, and religion prohibit and condemn it in every other? On the other hand, does not the enacting such predatory laws against these people, without their being even accused of any civil crime, and merely to weaken and impoverish them, suggest to the mind something like the policy of an highway-man, in putting those he has robbed to death, lest if they were suffered to survive their losses, they might chance to discover and prosecute him for the robbery?

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The last of the common objections to the relaxation of these laws, which I shall consider (and it is the only remaining objection that deserves to be considered) is, "that the spirit of persecution is peculiar and essential to the Roman catholic religion; and therefore that its professors ought, in good policy, to be always kept under, and in an absolute incapacity to exert it." But this objection confutes itself. It supposes, that men may be justified in actually wronging and persecuting others, for no other reason, but merely to prevent these others from ever having the power (however remote and improbable) to injure and persecute them. The Roman catholics wish not for a power to persecute; they only implore the justice and mercy of the legislature, to relieve them from persecution. But how can the spirit of persecution be deemed peculiar to Roman catholics, when it is notorious, that their very accusers, of every denomination, persecute both them and one another, whenever they have the power and opportunity of doing it? That such a spirit is far from being essential to their religion, however it may have unhappily possessed some of its bigotted members (and what sect, or communion of christians, is free from such members?), is manifest from hence, that all their ablest and most respectable divines, and in particular their last pope, Clement XIV. (who surely must be supposed to have known the essentials of his religion) condemn and renounce it, as unchristian and inhuman.¹ "The great misfortune in this case," says that eminently learned and pious prelate, "is, that some people confound religion with her ministers, and make her responsible for their faults. It never was religion, but false zeal pretending to her, that seized fire and sword, to compel heretics to abjure their errors, and Jews to become Christians. And what is more dreadful than to see good men fall victims to a zeal displeasing in the sight of God, and condemned by the church, as equally hurtful to religion, and the rights of society? The example of Jesus Christ,

¹ Ganganelli's Letters, passim.

Christ, who during his residence on earth, bore patiently with the Sadducees and Samaritans (the infidels and schismatics of those times), obliges us to support our brethren, of whatever communion they be; to live peaceably with them, and not to torment them on account of any system of belief, which they may have adopted. The power of the church is purely spiritual. Our blessed Saviour himself, when he prayed for his executioners, taught us how his cause is to be avenged. Had the ministers of the gospel been always careful to follow that divine model, the enemies of christianity would not have been able to bring against it the unjust reproach of favouring persecution. The church always disavowed those impetuous men, who, stirred up by an indiscreet zeal, treat those who go astray with asperity; and its most holy bishops, at all times, solicited the pardon of apostates, desiring only their conversion. Men, therefore, ought not to impute to the church those excesses, of which history has preserved the memory, and which are repugnant to the maxims of the gospel."

C H A P. IX.

Persecutions in the reign of king George I.

NOTWITHSTANDING the great lenity and general beneficence introduced to the throne of these kingdoms, by the accession of his majesty George I. the popery laws were still rigorously executed, during the greatest part of his reign. Such of them as affected the property of Roman catholics, lay not within the sphere of the royal clemency, because they necessarily executed themselves. And some unlucky circumstances in the beginning of it, contributed to enforce the execution of those acts, which prohibit the exercise of their religion, under very severe penalties. Among these, the Scottish rebellion in 1715, was the principal; as that rebellion had been raised and carried

ried on in favour of a popish pretender; though all the acting rebels, almost to a man, were Scottish presbyterians; and none of the catholics in Ireland were known to be any way connected with them. Yet such was the government's affected fear, or real hatred, of these catholics, that the penalties for the exercise of their religion, were then generally inflicted. Their chapels were shut up; their priests dragged from their hiding places; sometimes from the very altars, in the midst of divine service, hurried into loathsome prisons, and from thence banished for ever from their native country. This persecution was the obvious, and but the natural, effect of a resolution of the commons at that juncture: "that it was the indispensable duty of all magistrates, to put the laws in *immediate* execution against popish priests; and that such of them as neglected to do so, should be looked upon as *enemies* of the constitution." And although this rebellion of the presbyterians in Scotland, was the sole pretence for this severity; and the very same law which banishes popish priests, prohibits also dissenters to accept of or act by, a commission in the militia or array; yet so partial were the resolutions of that parliament, that, at the same time that they ordered the former to be rigorously prosecuted, they resolved unanimously, "that any person, who should commence a prosecution against any of the latter, who had accepted, or should accept of, a commission in the array or militia, was an enemy to king George and the protestant interest." Thus of the only two main objects of the same law, its execution against one of them was judged highly meritorious; but it was deemed equally culpable, even to attempt it against the other; though the law itself makes no difference between them. Such was the justice and consistency of our legislators of that period.

The frequent exertions of this particular prejudice against the Roman catholic clergy of Ireland, seem not to have been the effects of any new or sudden provocation, arising occasionally from their misconduct, with respect to the government; but appear to have

have been owing to a spirit of intolerance, on account of their ^a religion only; and to have been uniformly carried on, upon principle, for many years after; until they were at length heightened to such a degree of wanton cruelty, as rather dishonours the religion it was intended to serve. For in the year 1723, it having been again unanimously resolved in parliament, “that it was the indispensable duty of all magistrates to put the laws in immediate execution against popish priests: and that the neglect of several magistrates, in executing the laws against papists, did greatly contribute to the growth of popery.” Leave was given to bring in heads of a bill, for explaining and *amending* the two acts before mentioned, to prevent the growth of popery. Upon which occasion, one of the most zealous promoters of that bill, having gravely taken notice, in a long and laboured speech, that of all the countries wherein the reformed religion had prevailed, Sweden was freest from those secret, but irreconcilable, enemies of all protestant governments, popish ecclesiastics; which, he said, was visibly owing to the great wisdom of their laws, inflicting the penalty of castration on all such dangerous intruders into that kingdom. He seriously moved, that this *gothic* and *inhuman* penalty might be added as a clause to the bill before them: to which the house, after a short debate, agreed; and ordered it to be laid before his grace the lord lieutenant, to be transmitted into England, with this remarkable request on their part, “that he would re-

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^a Dean Swift, in his Plea of Presbyterian Merit, after taking notice, that the Roman catholics of Ireland “abhorred the Jacobites and high-flyers above all other men, on account of severities against their priests in queen Anne’s reign, when that party was in power;” adds, “this I was convinced of some years ago, by a long journey into the southern parts (of Ireland), where I had the curiosity to send for many priests of the parishes I passed through, and, to my great satisfaction, found them every where abounding in professions of loyalty to the late king George; for which they gave me the reasons above-mentioned; at the same time complaining bitterly of the hardships they suffered under the queen’s last ministry.” Works, *Dubl. edit.* vol. iii. p. 274.

commend the same, in the *most effectual* manner to his majesty." To which his grace was pleased to answer, "that as he had so much at heart a matter, which he had recommended to the consideration of parliament, at the beginning of the session; they might depend upon a due regard, on his part, to what was desired."

The bill was accordingly transmitted to England; but rejected there, by means of the humane and earnest interposition of Cardinal Fleury with Mr. Walpole, whose great power and interest at that juncture, were then universally known. His grace the lord lieutenant, in his speech to that parliament, at the close of the session, in order to console them for the loss of their favourite bill, gave them to understand, "that it miscarried merely by its not having been brought into the house, before the session was so far advanced." And after earnestly recommending to them, in their several stations, the care and preservation of the public peace; he added, "that, in his opinion, that would be greatly promoted, by the vigorous execution of the laws against popish priests; and that he would contribute his part towards the prevention of that growing evil, by giving proper directions, that such persons only should be put into the commission of the peace, as had *distinguished* themselves by their steady adherence to the *protestant interest*." These general words, "protestant interest," seem to carry with them a vague and indefinite meaning; but if the protestant religion is here, in any respect, signified by them, I will venture to affirm, that in no other age or nation, has religion ever been attempted to be served or promoted, by so shameful and cruel an expedient, as that proposed in this rejected bill.

C H A P. X.

The catholics address his majesty king George II.

THE Roman catholics of Ireland still smarting under the lash of the popery laws, after the accession of George I. and recollecting that the two last, and severest of them, were said to have been enacted as a punishment for their neglect in not having addressed her late majesty queen Anne, on her accession to the throne, were induced to think that they ought to avoid giving the like occasion of offence on that happy event, and therefore, some of the principal among them, resolved to present an humble congratulatory address to his majesty on that occasion. But the before-mentioned rebellion in favour of a popish pretender, having then broken out in Scotland and England, so unjust and general a clamour was raised against them on that account, and such virulent invectives and misrepresentations of both their civil and religious principles, daily issued from the pulpit and the press, as occasioned them to change their resolution, and to think it more prudent and safe at that period of jealousy and distrust, to remain silent in that respect; and by still persevering in their wonted dutiful behaviour, to give more substantial proofs of their loyalty, and of the falsehood and cruelty of these invectives and misrepresentations, than could possibly be conveyed by their most submissive and zealous professions of fidelity in a formal address; and in truth, that the behaviour of these people was uniformly and unquestionably such, during that whole reign, these very enemies have been since obliged to confess.

The consciousness of this behaviour, together with their reasonable hope, that it had somewhat abated the former prejudices of their enemies, emboldened them to draw up an humble address to his majesty George II. on his accession; which was presented with all due respect

respect to the lords justices at the castle of Dublin, by Lord Delvin and other persons of the first quality among them ; but so little notice was then taken either of their address or themselves, that it is not yet known whether it was ever transmitted to be laid before his majesty, as it was humbly desired it should be ; or whether even an answer was returned by their excellencies that it should be so transmitted.

C H A P. XI.

Penal laws enforced in the reign of King George II.

IN the year 1734 application having been made to his majesty, for the reversion of some outlawries, incurred by the insurrections of 1641, the former of which, particularly, as we have already observed, had been most iniquitously obtained, and had actually reduced some of the most ancient, noble and opulent Roman catholic families of the kingdom, with their numerous descendants, to absolute beggary. The commons then sitting, and justly apprehending from his majesty's known equity and commiseration, that such application might meet with some success ; resolved upon a petition, wherein among other things, they tell his majesty plainly, and even with a kind of menace, " that nothing could enable them to defend his right and title to his crown so effectually as the enjoyment of those estates, which have been the forfeitures of the rebellious Irish, and were then in the possession of his protestant subjects ; and therefore, that they were *fully assured*, that he would discourage all applications or attempts that should be made in favour of such *traitors* or their descendants, so dangerous to the *protestant interest* of this kingdom." This petition produced the wished for effect. The king in his answer assured the commons, " that he would for the future discourage all such applications and attempts."

But the commons not content with this assurance, and still fearing, that those popish solicitors, who had
been

been employed by the catholics in their late unsuccessful attempt, might prevail upon their clients to renew their application at another more favourable juncture, brought in a bill, absolutely disqualifying all Roman catholics from practising as solicitors, the only branch in the law profession which they were then permitted to practise.

While this bill, which was afterwards passed into a law, was under debate in the house of commons, certain Roman catholics of Dublin and Cork, not imagining that their making legal opposition to it, would give the least offence to government, began to set on foot a collection among those of their persuasion residing in these two cities, in order to enable them to defray the necessary expences attending on such opposition. In this business some of their clergy in Munster happened to be engaged; among whom, one Hennefy, a parish priest in that province, having, for his notoriously scandalous behaviour, been lately suspended by his superior, sought revenge, by giving in examinations against him, importing that the money which had been thus collected by him and others, in different parts of the kingdom, was intended for no other service, but the bringing in of popery and the pretender. Upon which these gentlemens papers were seized, and submitted to the inspection of a certain knight, who laid them before the house of commons, where they underwent the strictest scrutiny for many weeks; that venal and versatile commoner, but constant brawler against popery, exerting all his boisterous eloquence to persuade the house, from the sole evidence of these papers, though obviously harmless and insignificant in themselves, that a deep and dangerous popish plot was actually carrying on for the before-mentioned wicked purposes. And yet it appears after all, by the committee's printed report on this occasion, that the sum collected to accomplish this mighty design of bringing in popery and the pretender, did not amount in the whole to full five pounds.

The committee, however, resolved, that it appeared

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to them, that under colour of opposing heads of bills, *great* sums of money had been collected and raised, and a fund established by the popish inhabitants of the kingdom, through the influence of their clergy, highly detrimental to the *protestant interest*, and of imminent danger to the present happy establishment;” and therefore resolved further, “that an humble address should be presented to his grace the lord lieutenant, to issue his proclamation to all magistrates, to put the laws against popery in execution.” In consequence of this address, the proclamation was issued by his grace, and the laws against popery were strictly executed by the magistrates in every part of the kingdom.”

These frequent resolutions of the commons, aided by inflammatory anniversary sermons, and equally inflammatory pamphlets, occasionally preached and published, diffused such a spirit of rancour and animosity against catholics, among their protestant neighbours, as made the generality of them believe that the words popery, rebellion and massacre, really signified the same thing, and thereby excited such real terrors in these latter, as often brought the liberties and sometimes the lives of the former into imminent danger. The most shocking circumstances of the Irish insurrection in 1641, and of the English gun-powder treason in 1605, were studiously revived and aggravated in these sermons, and pamphlets, with a degree of virulence and exaggeration, which, as it surpassed the most extravagant fictions of romance or poetry, so it possessed their uninformed, though often well-meaning, hearers and readers with lasting and general abhorrence of these people. The crimes, real or supposed, of catholics dead more than a century before, were imputed, intentionally, to all those

* On the 9th of March, 1731, “Resolved unanimously, that it is the indispensable duty of all magistrates, and officers, to put the laws made to prevent the further growth of popery in Ireland, in due execution.” It was also at the same time resolved, *nem. con.* (being the end of the session) “that the members of that house, in their respective countries, and stations, would use their utmost endeavours, to put the several laws against popery in due execution.” *Com. Jour.* vol. vi. f. 183.

those who survived them, however innocent, of the same religious persuasion. By these means, an antient nobleman and privy-counsellor, of great power and influence, was so enthusiastically incensed against them, that, in the year 1743, on the threatened invasion of England by the French, under the command of Marschal Saxe, he openly declared in council, "that as the papists had began the massacre on them, about an hundred years before, so he thought it both reasonable and lawful, on their parts, to prevent them, at that dangerous juncture, by first falling upon them." And although the barbarity of that suggestion was quickly over-ruled in that honourable assembly; yet so entirely were some of the lower northern dissenters possessed and influenced, by this prevailing prepossession and rancour against catholics, that in the same year, and for the same declared purpose of prevention, a conspiracy was actually formed by some of the inhabitants of Lurgan, to rise in the night-time and destroy all their neighbours of that denomination in their beds.^a But this inhuman purpose was also frustrated, by an information of the honest protestant publican, in whose house the conspirators had met to settle the execution of their scheme, sworn before the Rev. Mr. Ford, a justice of the peace in that district, who received it with horror, and with difficulty put a stop to the intended massacre.

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^a This atrocious design was known and attested by several of the inhabitants of Lurgan; and an account of it was transmitted to Dublin by a considerable linen-merchant, then at Lurgan on his private mercantile affairs.

C H A P. XI.

The conduct of the catholics of Ireland in the time of the rebellion in Scotland, 1745.

ON account of the Scottish rebellion in 1745 in favour of the pretender, in which it will presently appear that not a single Irish catholic, lay or clerical, was any way engaged, the minds of the protestants all over the kingdom were so much irritated by the inflammatory means before-mentioned, together with the additional incentives of pastoral letters, of the like evil tendency, from all the bishops of the kingdom to their respective diocesans, that dreadful consequences, with regard to these inoffensive people, were justly apprehended; and probably would have ensued, had not the great wisdom and lenity of their then chief governor,^a frequently and earnestly interposed. That nobleman, though pressed from all quarters by their powerful enemies, on a pretended knowledge of their disaffection, but really from the malignity of prejudice, to put the laws in force against them, always eluded their importunities, either by his own uncommon sagacity and resolution, or by some happy turn of pleasantry, which never failed to expose the folly of their apprehensions; for he quickly discovered, that they had neither the power nor the inclination to give the government any disturbance. And he even assured both houses of parliament, “that France, which alone encouraged and supported the rash adventurer, had made use of him only as the occasional tool of their politics, and not as the real object of their care. That although Great Britain had, in the course of this century, been often molested by insurrections at home and invasions from abroad, Ireland had happily and deservedly enjoyed uninterrupted tranquillity.” And in short, that this attempt to shake his majesty’s throne, would

^a Earl of Chesterfield.

would serve to establish it the more firmly, since all Europe must know the unanimous zeal and affection of his subjects, for the defence of his person and government."

The great goodness and mercy of providence in sending such a governor among us, at that period of suspicion and danger, will be for ever most gratefully remembered by these people. Even their enemies in parliament, at the close of his administration, seem to have, in some measure, retracted their former councils of rigour and severity; for the commons in their address at the end of the session, after mentioning their late unquiet apprehensions, "acknowledged, with cheerfulness and the utmost gratitude, that the profound tranquillity which, without any extraordinary increase of public expence, the nation had hitherto enjoyed, was the result of his excellency's wise and vigilant administration; formed upon the principles, and carried on by the uniform exercise of *lenity* without remissness, and of firmness without *severity*."

I promised to make it appear, that no Irish catholic, lay or clerical, was any way engaged in the Scottish rebellion of 1745. I shall now endeavour to make good that promise. In the 1762, upon a debate in the house of lords about the expediency of raising five regiments of these catholics, for the service of the king of Portugal, Doctor Stone (then Primate), in answer to some common-place objections against the good faith and loyalty of these people, which were revived with virulence on that occasion, declared publicly in the house of lords, that "in the year 1747, after that rebellion was intirely suppressed, happening to be in England, he had an opportunity of perusing all the papers of the rebels, and their correspondents, which were seized in the custody of Murray, the pretender's secretary; and that, after having spent much time and taken great pains in examining them (not without some share of the then common suspicion, that there might be some private understanding and intercourse between them and the Irish catholics), he could not discover the least trace, hint, or intimation of such inter-
course

course or correspondence in them ; or of any of the latter's favouring, abetting, or having been so much as made acquainted with the designs or proceedings of these rebels. And what," he said, " he wondered at most of all was, that in all his researches, he had not met with any passage in any of these papers, from which he could infer, that either their Holy Father the Pope, or any of his cardinals, bishops, or other dignitaries of that church ; or any of the Irish clergy, had either directly or indirectly, encouraged, aided, or approved of, the commencing or carrying on of that rebellion."

C H A P. XII.

A bill for naturalizing the Jews passes the commons.

ON account of the continued severity of the popery laws (such of them particularly as executed themselves, as all those relating to property do), great numbers of the inoffensive natives had quitted Ireland, and carried their wealth and industry with them. And such was the mistaken policy of those days, that the protestant interest of Ireland was not believed to have suffered by this ruinous, though natural effect of these laws ; on the contrary, it was confidently said to be strengthened and increased, by the removal of so many of its intestine enemies out of the kingdom ! But as the strength and prosperity of a country are known and acknowledged to depend on the number and industry of its inhabitants, an expedient was soon looked for, and found, by the great wisdom of the nation, to supply the place of these self-exiled papists, by introducing foreign Jews, and providing a national settlement for those devoted vagrants. And although this expedient was, for a while, excepted against by some few over-scrupulous persons, as discovering an inordinate and precipitate zeal in its authors for strengthening the protestant interest, by a measure which

which seemed to bid defiance to a divine prophecy, and to sap the foundation of christianity itself; yet the Irish commons, in the session of 1747, brought heads of a bill into their house, “for naturalizing persons professing the Jewish religion; which were committed, agreed to by the house, without any amendment, and presented to his grace the lord lieutenant, to be by him transmitted into England.” It is remarkable, that in the session immediately preceding, the same bill was brought into the commons, and “carried through, without any debate;” but it then miscarried either here or in England; as it also did this second time; so that it has not as yet had the honour of being passed into a law among us. How aptly might each of these determined promoters of this hopeful bill, for strengthening the *protestant interest* of Ireland, have exclaimed in the words of the poet,

Flectere si nequeo superos, Acheronta movebo!

C H A P. XIII.

The catholics address the lord lieutenant.

WHEN the Duke of Bedford was lord lieutenant of Ireland, he was greatly alarmed by an unprecedented attack on parliament; and not without some apprehension of danger to his own person. But this strange and dangerous outrage^a was soon appeased, by the assistance

^a It was on this occasion, that Prime Serjeant Stannard, a real patriot, and an unprejudiced honourable gentleman, in his speech in the house of commons, contrasting the riotous conduct of the Lucasians (as they were then called after their chief), with the quiet and dutiful behaviour of the Roman catholics, in that and other dangerous conjunctures, gave the following honourable testimony in favour of these latter: “We have lived amicably and in harmony among ourselves, and without any material party distinctions, for several years past, till within these few months; and during the late wicked rebellion,

assistance of that part of the army which was then in the city, without any further ill consequence. But, as at the next meeting of the members of parliament, upon an enquiry into the authors and promoters of it, some of the very persons guilty in that respect, did, by their interest in both houses, endeavour to fix the odium of it on the obnoxious papists (to which conscious untruth and calumny, the war then carrying on against France, gave some kind of colour); the catholics thought it high time publicly to vindicate their characters from that, and every other vile suspicion of disloyalty, by an address to his grace the lord lieutenant; testifying their warmest gratitude for the lenity they experienced under his majesty's government, and their readiness to concur with the faithfullest and most zealous of his majesty's other subjects, in opposing, by every means in their power, all, both his foreign and domestic enemies. Addresses of this loyal tenor were sent to his grace from every considerable part of the kingdom, and most graciously received by him.^b

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bellion in Scotland, we had the comfort and satisfaction to see that all was quiet here. And to the honour of the Roman catholics be it remembered, that not a man of them moved tongue, pen, or sword, upon the then, or the present occasion; and I am glad to find, that they have a grateful and proper sense of the mildness and moderation of our government. For my part, while they behave with duty and allegiance to the present establishment, I shall hold them as men in equal esteem with others, in every point but one; and while their private opinion interferes not with public tranquillity, I think their industry and allegiance ought to be encouraged."

^b There was a circumstance attending his grace's answer to the address of the Roman catholics of Dublin, which for its great humanity and condescension, must not be omitted. As if he now meant to clear the Roman catholics intirely from the above-mentioned foul aspersion, in the same place in which it was lately cast upon them, he desired the then speaker, Mr. Ponsonby, while the house was sitting, to read aloud from the chair, his answer to that address, which contained his full approbation of their past conduct, and an assurance of his future favour and protection, as long as they continued it.

C H A P. XIV.

The catholics of Ireland, pressed by penal laws, form an humble remonstrance to be presented to his majesty.

THOUGH the exercise of the catholic religion at this time was connived at in this kingdom, the penal laws affecting the property of its professors, were so frequently and rigorously executed, that several wealthy families were reduced to the sad alternative, either to quit their native country or to starve in it, which shews the falsehood and absurdity of the common pretence, that these laws were originally framed and since kept in force, merely for the suppression of the exercise of the popish religion, on a groundless supposition, as it now appears, that both its doctrine and practice are hostile to the peace, order, and very being of this protestant government. “The Roman catholics of Ireland (said an eminent member of the British commons on this occasion) enjoy the full and free exercise of their religion; it is against their property that the sword of law is raised.”

In this situation they at length began to recollect the capitulation of Limerick in 1691, heretofore mentioned, as a topic of redress very proper to be now revived, which they seemed to have strangely forgotten or overlooked for many years past, and which nevertheless holds forth to them as full and as solemn an assurance of being exempted from all future penalties and restraints on account of their religion, as the public faith of the nation, confirmed by an act of the Irish parliament, is capable of giving them. Upon this ground therefore, they formed an humble and dutiful remonstrance of their grievances relative to their property, with a view of having it presented in due form, to his late majesty. But that good king happening to die at this juncture, to the great regret of all his subjects of every denomination, it was then thought proper, to introduce this remonstrance

remonstrance to the throne, by first presenting a congratulatory address to his present most gracious majesty, on his happy accession ; which address was accordingly drawn up, and after having been signed by all the most considerable Roman catholics of the kingdom, was laid before the Earl of Hallifax, lord lieutenant of Ireland, and by him transmitted to his majesty, by whom it was graciously received. The remonstrance above-mentioned was conceived in the following words :

To the KING's most Excellent MAJESTY.

The humble Petition and Remonstrance of the Roman Catholics of Ireland.

Most gracious Sovereign,

WE your majesty's dutiful and faithful subjects, the Roman catholics of the kingdom of Ireland, beg leave to lay at your majesty's feet this humble remonstrance of some of those grievances and restraints under which we have long laboured without murmuring or complaint ; and we presume to make this submissive application, from a sense of your majesty's great and universal clemency, of your gracious and merciful regard to tender consciences, and from a consciousness of our own loyalty, affection and gratitude to your majesty's person and government, as duties incumbent upon us, which it is our unalterable resolution to pay in all events during the remainder of our lives.

And we are the more emboldened to present this our humble remonstrance, because it appeareth unto us, that the laws by which such grievances are occasioned, and such penalties inflicted upon us, have taken rise rather from private views of expediency and self-interest, or from mistaken jealousies and mistrusts, than from any truly public spirited motives ; inasmuch as they seem to have infringed certain privileges, rights and immunities, which had been freely and solemnly granted, together with a promise of further favour and indulgence

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to the Roman catholics of Ireland, upon the most valuable considerations. For we most humbly offer it to your majesty's just and generous consideration, that on the third day of October, 1691, the Roman catholic nobility and gentry of this kingdom, under the late king James, entered into articles of capitulation at Limerick, whereby, among other things, it was stipulated and agreed, that "the Roman catholics of Ireland should enjoy such privilege in the exercise of their religion as they did enjoy in the reign of king Charles II. and that their majesties as soon as their affairs would permit them, would summon a parliament in Ireland, and endeavour to procure the said Roman catholics such further security in that particular, as might preserve them from any disturbance on account of their said religion." Whereupon these noblemen and gentlemen laid down their arms, and immediately submitted to their majesties government; at the same time that they had offers of powerful assistance from France, which might, if accepted, have greatly obstructed the success of their majesties arms in the war then carrying on abroad against that kingdom.

And although these articles were duly ratified and confirmed, first by the commander in chief of their majesties forces in Ireland in conjunction with the then lords justices thereof, and afterwards by an act of the Irish parliament, in the ninth year of his majesty king William's reign, by which they became the public faith of the nation, plighted and engaged to these people in as full, firm and solemn manner, as ever public faith was plighted to any people; yet so far were the Roman catholics of Ireland from receiving the just benefit thereof; so far from seeing any steps taken, or means used in the Irish parliament, to procure them such promised security, as might preserve them from any disturbance on account of their religion, that on the contrary, several laws have been since enacted in that parliament, by which the exercise of their religion is made penal, and themselves and their heirs for ever have forfeited those rights, immunities and titles to their estates and properties, which in the reign of king Charles II. they
were

were by law intitled to, and enjoyed, in common with the rest of their fellow subjects.

And such is the evil tendency of these laws to create jealousy and disgust between parents and their children, and especially, to stifle in the breasts of the latter those pious sentiments of filial duty and obedience which reason dictates, good policy requires, and which the almighty so strictly enjoins, that in virtue of them, a son, however undutiful or profligate in other respects, shall merely by the merit of conforming to the established religion, not only deprive his Roman catholic father of that free and full possession of his estate, that power to mortgage or otherwise dispose of it, as the exigencies of his affairs may require, but also shall himself have full liberty to mortgage, sell or otherwise alienate that estate from his family for ever; a liberty, most gracious sovereign, the frequent use of which has entailed poverty and despair on some of the most antient and opulent families in this kingdom, and brought many an aged parent's grey hairs with sorrow to the grave.

And although very few estates at present remain in the hands of the Roman catholics of Ireland, and therefore little or no matter appears to be left for these laws to operate upon, nevertheless, we are so far from being secure in the possession of personal property, so far from being preserved from any disturbance on account of our religion, even in that respect, that new and forced constructions have been of late years put upon these laws (for we cannot think that such constructions were ever originally intended). by which, on the sole account of our religion, we are in many cases, stripped of that personal property by discoverers and informers; a set of men, most gracious sovereign, once generally, and justly despised among us, but of late grown into some repute, by the increase of their numbers and by the frequency, encouragement and success of their practices.

These and many other cruel restrictions (such as no christian people under heaven but ourselves are made liable to) are and have long been greatly detrimental, not only to us in particular, but also to the commerce, culture,

culture, and every other improvement of this kingdom in general; and what is surely a melancholy consideration, are chiefly beneficial to the discoverers and informers before-mentioned; who, under colour of these laws, plunder indiscriminately, parents, brethren, kinsmen and friends, in despite of all the ties of blood, of affection and confidence, in breach of the divine laws, of all former human laws, enacted in this or perhaps any other kingdom, for the security of property, since the creation of the world.

The necessity of continuing laws in their full force for so great a number of years, which are attended with such shameful and pernicious consequences, ought, we humbly conceive, to be extremely manifest, pressing, and permanent; but so far is this from being the case with respect to these disqualifying laws, that even the pretended grounds for those jealousies and mistrusts, which are said to have given birth to them, have long since disappeared; it being a well-known and undeniable truth, that your majesty's distressed, but faithful subjects, the Roman catholics of Ireland, have neither the inclination nor the power to disturb your majesty's government; nor can (we humbly presume) that only pretext now left for continuing them in force, viz. their tendency to make profelytes to the established religion, in any degree justify the manifold severities and injuries occasioned by them. For, alas! most gracious sovereign, there is but too much reason to believe, that profelytes so made are, for the most part, such in appearance only in order to become in reality, what all sincere christians condemn and detest, undutiful children, unnatural brethren, or perfidious friends; and we submit it to your majesty's great wisdom and goodness, whether motives so repugnant to the public interest, and to all social, moral, and religious duties, are fit to be considered in or longer encouraged.

And because we are sensible, most gracious sovereign, that our professions of loyalty have been often cruelly misrepresented, even by those who were thoroughly acquainted with the candour and uprightness of our dealings in all other respects, we most humbly offer it to
your

your princely and generous consideration, that we rest not the proof of our sincerity in such professions on words, but on things known and attested by all the world, on our dutiful, peaceable and submissive behaviour under such pressures, for more than half a century; a conduct, may it please your majesty, that clearly evinces the reality of that religious principle, which withholds us from sacrificing conscience or honour to any worldly interest whatever; since rather than violate either by hypocritical professions, we have all our lives, patiently suffered so many restrictions and losses in our temporal concerns; and we most submissively beseech your majesty to look down on such trials of our integrity, not only as a proof of our sincerity in this declaration, but also as an earnest and surety of our future good behaviour; and to give us leave to indulge the pleasing hope, that the continuance of that behaviour, enforced by our religious principles, and of your majesty's great and inherent goodness towards us, which it shall be the business of our lives to endeavour to merit, may at length be the happy means of our deliverance from some part of that burthen, which we have so long and so patiently endured.

That this act of truly royal commiseration, beneficence and justice, may be added to your majesty's many other heroic virtues, and that such our deliverance may be one of those distinguishing blessings of your reign, which shall transmit its memory to the love, gratitude, and veneration of our latest posterity, is the humble prayer of, &c.

This remonstrance having been communicated to the late right reverend primate Stone, was approved of by his grace, and by as many of his most discerning and confidential friends as he thought proper to shew it to, as he himself assured Lord Taaffe; and nothing hindered its being then laid before his majesty, but those unhappy divisions and animosities which still subsisted among us, and the premature death of his grace, which followed not long after, to the sincere and lasting regret of all his majesty's good and loyal subjects of this kingdom; so that it never was presented to the king; and is now
inserted

inserted here, with no other view, but to shew what endeavours have been used from time to time, for several years past, to obtain the emancipation of at least three parts in four of his majesty's useful and innoxious Irish catholic subjects from the galling fetters of the popery laws of Queen Anne.

C H A P. XV.

Tumults in Munster considered.

ABOUT this time, great tumults had been raised, and some outrages committed in different parts of Munster, by cottiers and others of the lowest class of its inhabitants, occasioned by the tyranny and rapacity of their landlords. ^a These landlords have set their lands to

^a “The landlord of an Irish estate,” says the learned and impartial Mr. Young, “inhabited by Roman catholics, is a sort of despot, who yields obedience in whatever concerns the poor to no law but that of his will. To discover what the liberty of a people is, we must live among them, and not look for it in the statutes of the realm: the language of written law may be that of liberty, but the situation of the poor may speak no language but that of slavery: there is too much of this contradiction in Ireland. A long series of oppressions, aided by many very ill-judged laws, have brought landlords into a habit of exerting a very lofty superiority, and their vassals into that of an almost unlimited submission: speaking a *language* that is despised, professing a *religion* that is abhorred, and being disarmed, the poor find themselves in many cases slaves even in the bosom of *written liberty*. Landlords that have resided much abroad, are usually humane in their ideas, but the habit of tyranny naturally contracts the mind, so that even in this polished age, there are instances of a severe carriage towards the poor, which is quite unknown in England.

Nay, (says the same ingenious writer) I have heard anecdotes of the lives of people being made free with without any apprehension of the justice of a jury. But let it not be imagined that is common; formerly it happened every day, but law gains ground. The execution of the law lies very much in the hands of justices of the peace, many of whom are drawn from

to cottiers far above their value, and to lighten their burthen, had allowed commonage to their tenants. Afterwards in despite of all equity, contrary to all compacts, the landlords inclosed these commons, and precluded their unhappy tenants from the only means of making their bargains tolerable.”

Another cause of these people's discontents was, the cruel exactions of tithe-mongers: these harpies “squeezed out the very vitals of the people, and by process, citation, and sequestration, dragged from them the little which the landlord had left them. These are the real causes of the late tumults in Munster, and it may be safely affirmed (adds my author) that there is no nation that has not had tumults from such or the like causes, without religion coming into question.”

The riots, however, of these few forlorn men, were soon construed into a general popish conspiracy against the government; because, indeed, the greatest part of them were papists,^b at least in name; although it was well

^a An Enquiry into the Causes of the Outrages committed by the Levellers.

from the most illiberal class in the kingdom. If a poor man lodges a complaint against a gentleman, or any animal that chuses to call itself a gentleman, and the justice issues out a summons for his appearance, it is a fixed affront, and he will infallibly be called out. Where *manners* are in conspiracy against *law*, to whom are the oppressed people to have recourse? They know their situation too well to think of it; they can have no defence but by means of protection from one gentleman against another, who probably protects his vassal as he would the sheep he intends to eat.

The colours of this picture are not charged. To assert that all these cases are common, would be an exaggeration; but to say that an unfeeling landlord will do all this with impunity, is to keep strictly to truth: and what is liberty but a farce and a jest, if its blessings are received as the favour of kindness and humanity, instead of being the inheritance of RIGHT? Young's Tour, Dub. Edit. vol. ii. p. 40-41.

^b “Consequences have flowed from these oppressions (says Mr. Young) which ought long ago to have put a stop to them. In England we have heard much of white-boys, steel-boys, oak-boys,

well known, that several protestant gentlemen and magistrates of considerable influence in that province, did all along, for their own private ends connive at, if not foment these tumults, and although we were assured by authority, “ that the authors of these riots consisted indiscriminately of persons of different persuasions, and that no marks of disaffection to his majesty’s person or government appeared in any of these people.”²

This authentic declaration was grounded on the report which had been made to government, by persons

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of

² Dublin Gazette.

boys, peep-of-day-boys, &c. But these various insurgents are not to be confounded, for they are very different. The proper distinction in the discontents of the people is into protestant and catholic. All but the white-boys were among the manufacturing protestants in the north. The white-boys catholic labourers in the south : from the best intelligence I could gain, the riots of the manufacturers had no other foundation, but such variations in the manufacture as all fabrics experience, and which they had themselves known and submitted to before. The case, however, was different with the white-boys ; who being labouring catholics met with all those oppressions I have described, and would probably have continued in full submission had not very severe treatment in respect of tithes united with a great speculative rise of rents about the same time, blown up the flame of resistance ; the atrocious acts they were guilty of made them the object of general indignation : acts were passed for their punishment, which seemed calculated for the meridian of Barbary ; this arose to such a height, that by one they were to be hanged under circumstances without the common formalities of a trial, which though repealed the following sessions marks the spirit of punishment ; while others remain yet the law of the land, that would if executed tend more to raise than quell an insurrection. From all which it is manifest that the gentlemen of Ireland never thought of a radical cure from overlooking the real cause of disease, which in fact lay in themselves, and not in the wretches they doomed to the gallows. Let them change their own conduct intirely, and the poor will not long riot. Treat them like men who ought to be as free as yourselves : put an end to that system of religious persecution which for seventy years has divided the kingdom against itself ; in these two circumstances lies the cure of insurrection, perform them completely, and you will have an affectionate poor, instead of oppressed and discontented vassals.” Young’s Tour, vol. ii. p. 41-42.

of distinguished loyalty and eminence in the law, sent down and commissioned some time before to enquire upon the spot into the real causes and circumstances of these riots; which report was afterwards confirmed by the going judges of assize, and by the dying protestations of the first five of these unhappy men, who were executed in 1762 at Waterford, for having been present at the burning down of a cabin, upon the information of one of their associates, who was the very person that with his own hand set fire to it. These men immediately before their execution, publicly declared and took God to witness, "that in all these tumults it never did enter into their thoughts to do any thing against the king or government."

C H A P. XVI.

The same subject continued.

BUT the person most obnoxious on this occasion, and whose life seems to have been most eagerly sought after, on a real or affected belief of his having primarily stirred up, and with French money and officers, supported these rioters, for the purpose of a future rebellion, was one Nicholas Sheehy, parish-priest of Clogheen. This man was giddy and officious, but not ill-meaning, with somewhat of a Quixotish cast of mind towards relieving all those within his district, whom he fancied to be injured or oppressed; and, setting aside his unavoidable connexion with those rioters, several hundred of whom were his parishioners, he was a clergyman of an unimpeached character in all other respects. In the course of these disturbances, he had been often indicted, and tried as a popish priest, but no sufficient evidence having appeared against him on that charge, he was always acquitted, to his own great misfortune; for, had he been convicted, his punishment, which would be only transportation, might have prevented his ignominious death, which soon after followed.

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In the year 1765, the government was prevailed upon by his powerful enemies, to issue a proclamation against him, as a person guilty of high treason, offering a reward of three hundred pounds for taking him, which Sheehy in his retreat happening to hear of, immediately wrote up to Secretary Waite, "that as he was not conscious of any such crime, as he was charged with in the proclamation, he was ready to save to the government the money offered for taking him, by surrendering himself out of hand, to be tried for that or any other crime he might be accused of; not at Clonmell, where he feared that the power and malice of his enemies were too prevalent for justice (as they soon after indeed proved to be), but at the court of king's bench in Dublin. His proposal having been accepted, he was accordingly brought up to Dublin and tried there for rebellion, of which, however, after a severe scrutiny of fourteen hours, he was honourably acquitted; no evidence having appeared against him but a blackguard boy, a common prostitute, and an impeached thief, all brought out of Clonmell jail, and bribed for the purpose of witnessing against him.

But his inveterate enemies, who like so many bloodhounds had pursued him to Dublin, finding themselves disappointed there, resolved upon his destruction at all events. One Bridge, an infamous informer against some of those who had been executed for these riots, was said to have been murdered by their associates, in revenge (although his body could never be found^a), and a considerable reward was offered for discovering and convicting the murderer. Sheehy, immediately after his acquittal in Dublin for rebellion, was indicted by his pursuers for this murder, and notwithstanding the promise given him by those in office on surrendering himself, he was transmitted to Clonmell, to be tried there for this new crime, and, upon the sole evidence of the

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same

^a It was positively sworn, by two unexceptionable witnesses, that he privately left the kingdom some short time before he was said to have been murdered. See notes of the trial taken by one of the jury, in *Exshaw's Magazine* for June 1766.

same infamous witnesses, whose testimony had been so justly reprobated in Dublin, was there condemned to be hanged and quartered for that murder.

What barefaced injustice and inhumanity were shewn to this unfortunate man on that occasion,^b is known and testified by many thousands of creditable persons, who were present and eye-witnesses on the day of his trial. A party of horse surrounded the court, admitting and excluding whomsoever they thought proper, while others of them, with a certain knight at their head, scampered the streets in a formidable manner, forcing into inns and private lodgings in the town, challenging and questioning all new comers, menacing his friends, and encouraging his enemies: even after sentence of death was pronounced against him (which one would think might have satisfied the malice of his enemies), his attorney found it necessary for his safety, to steal out of the town

^b I shall mention only one instance out of many. "During his trial, Mr. Keating, a person of known property and credit in that country, having given the clearest and fullest evidence, that, during the whole night of the supposed murder of Bridge, the prisoner, Nicholas Sheehy, had lain in his house, that he could not have left it in the night time without his knowledge, and consequently that he could not have been even present at the murder. The Reverend Mr. H. an active manager in these trials, stood up, and after looking on a paper that he held in his hand, informed the court, that he had Mr. Keating's name on his list as one of those that were concerned in the killing of a corporal and serjeant, in a former rescue of some of these levellers. Upon which he was immediately hurried away to Kilkenny jail, where he lay for some time, loaded with irons, in a dark and loathsome dungeon: by this proceeding, not only his evidence was rendered useless to Sheehy, but also that of many others was prevented, who came on purpose to testify the same thing, but instantly withdrew themselves, for fear of meeting with the same treatment. Mr. Keating was afterwards tried for this pretended murder at the assizes of Kilkenny, but was honourably acquitted; too late, however, to be of any service to poor Sheehy, who was hanged and quartered some time before Mr. Keating's acquittal." The very same evidence which was looked upon at Clonmell as good and sufficient to condemn Mr. Sheehy, having been afterwards rejected at Kilkenny, as prevaricating and contradictory with respect to Mr. Keating.

town by night, and with all possible speed make his escape to Dublin.

The night before his execution, which was but the second after his sentence, he wrote a letter to Major Sirr, wherein he declared his innocence of the crime for which he was next day to suffer death; and on the morning of that day, just before he was brought forth to execution, he, in the presence of the sub-sheriff and a clergyman who attended him, again declared his innocence of the murder; solemnly protesting at the same time, as he was a dying man, just going to appear before the most awful of tribunals, that he never had engaged any of the rioters in the service of the French king, by tendering them oaths, or otherwise; that he never had distributed money among them on that account, nor had ever received money from France, or any other foreign court, either directly or indirectly, for any such purpose; that he never knew of any French or other foreign officers being among these rioters; or of any Roman catholics of property or note, being concerned with them. At the place of execution he solemnly averred the same things, adding, "that he never heard an oath of allegiance to any foreign prince proposed or administered in his life-time; nor ever knew any thing of the murder of Bridge, until he heard it publicly talked of; nor did he know that there ever was any such design on foot."

Every body knew, that this clergyman might, if he pleased, have easily made his escape to France, when he first heard of the proclamation for apprehending him: and as he was all along accused of having been agent for the French king, in raising and fomenting these tumults, he could not doubt of finding a safe retreat, and suitable recompence for such services, in any part of his dominions. It seems, therefore, absurd in the highest degree, to imagine that he, or any man, being at the same time conscious of the complicated guilt of rebellion and murder, would have wilfully neglected the double opportunity of escaping the punishment due to such crimes, and of living at
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his ease and safety in another kingdom; or that any person, so criminally circumstanced as he was thought to be, would have at all surrendered himself to a public trial, without friends, money, or family connections; and, above all, without that consciousness of his innocence, on which, and the protection of the Almighty, he might possibly have relied for his deliverance.

Emboldened by this success, the knight before-mentioned published an advertisement, somewhat in the nature of a manifesto, wherein, after having presumed to censure administration for not punishing, with greater and unjustifiable severity, these wretched rioters; he named a certain day, on which the following persons of credit and substance in that country, viz. Edmund Sheehy, James Buxton, James Farrel, and others, were to be tried by commission at Clonmell, as principals or accomplices in the aforesaid murder of Bridge. And, as if he meant by dint of numbers, to intimidate even the judges into lawless rigour and severity, he sent forth a sort of authoritative summons "to every gentleman in the county to attend that commission." His summons was punctually obeyed by his numerous and powerful adherents; and these innocent (as will appear hereafter) men, were sentenced to be hanged and quartered by that commission.

It will naturally be asked, upon what new evidence this sentence was passed; as it may well be supposed, that

"James Prendergast, Esq; a witness for Mr. Edmund Sheehy, perfectly unexceptionable in point of fortune, character and religion, which was that of the established church, deposed, that on the day and hour on which the murder of Bridge was sworn to have been committed, viz. about or between the hours of ten and eleven o'clock on the night of the 28th of October 1764, Edmund Sheehy, the prisoner was with him and others, in a distant part of the country; that they and their wives had, on the aforesaid 28th of October, dined at the house of Mr. Tenison, near Ardfinan, in the county of Tipperary, where they continued until after supper; that it was about eleven o'clock when he and the prisoner left the house of Mr. Tenison, and rode a considerable way together on their return to their respective

that no use was made of the former reprobated witnesses on this occasion. But truth obliges me to answer, with reluctance and shame, that use was made of them, and a principal use too, in the trial and conviction of these devoted men. The managers, however, for the crown, as they impudently called themselves, being afraid, or ashamed, to trust the success of their sanguinary purposes to the now enfeebled, because generally exploded, testimony of these miscreants, looked out for certain props, under the name of *approvers*, to strengthen and support their tottering evidence. These they soon found in the persons of Herbert and Bier, two prisoners, accused like the rest of the murder of Bridge; and who, though absolutely strangers to it (as they themselves had often sworn in the jail), were nevertheless in equal danger of being hanged for it, if they did not purchase their pardon by becoming approvers of the former false witnesses. Herbert was so conscious of his innocence in respect to Bridge's murder, that he had come to the assizes of Clonmell, in order to give evidence in favour of the priest Sheehy; but his arrival and business being soon made known, effectual measures were taken to prevent his giving such evidence. Accordingly bills of high treason were found against him,

tive homes; that the prisoner had his wife behind him; that when he (Mr. Prendergast) got home, he looked at the clock, and found it was the hour of twelve exactly." This testimony was confirmed by several corroborating circumstances, sworn to by two other witnesses, against whom no exception appears to have been taken. And yet, because Mr. Tenison, although he confessed in his deposition, that the prisoner had dined with him in October 1764, and does not expressly deny that it was on the 28th of that month; but says, conjecturally, that he was *inclined to think* that it was earlier than the 28th, the prisoner was brought in guilty. Thus positive and particular proof, produced by Mr. Prendergast, with the circumstances of the day and the hour, attested upon oath by two other witnesses, whose veracity seems not to have been questioned, was overruled and set aside, by the vague and indeterminate surmise of Mr. Tenison. See *Exshaw's Gentleman's and London Magazine* for April, and June, 1766.

him, upon the information of one of these reprobate witnesses, and a party of light-horse sent to take him prisoner. Bier, upon his removal afterwards to Newgate in Dublin, declared, in a dangerous fit of sickness, to the ordinary of that prison, with evident marks of sincere repentance, “ that for any thing he knew to the contrary, the before mentioned Edmund Sheehy, James Buxton, and James Farrell, were entirely innocent of the fact for which they had suffered death; and that nothing in this world, but the preservation of his own life, which he saw was in the most imminent danger, should have tempted him to be guilty of the complicated crimes of perjury and murder, as he then confessed he was, when he swore away the lives of those innocent men.”

On Saturday morning, May 3d, 1766, the convicts were hanged and quartered at Clogheen. Their behaviour at the place of execution was chearful, but devout; and modest, though resolute. It was impossible for any one in their circumstances, to counterfeit that resignation, serenity, and pleasing hope, which appeared strikingly in all their countenances and gestures. Conscious of their innocence, they seemed to hasten to receive the reward prepared in the next life, for those who suffer patiently in this. For, not content to forgive, they prayed for and blessed their prosecutors, judges, and juries, as likewise all those who were otherwise instrumental in procuring their deaths. After they were tied up, and just before they were turned off, each of them, in his turn, read a paper aloud, without tremour, hesitation, or other visible emotion, wherein they solemnly protested, as dying christians, who were quickly to appear before the judgment-seat of God, “ that they had no share either by act, counsel, or knowledge in the murder of Bridge; that they never heard an oath of allegiance to any foreign prince proposed or administered amongst them; that they never heard, that any scheme of rebellion, high treason, or a massacre, was intended, offered, or even thought of, by any of them; that they never knew of any commissions, or French or Spanish

Spanish officers being sent, or of any money being paid to these rioters. After this, they severally declared, in the same solemn manner, that certain gentlemen, whose names they then mentioned, had tampered with them at different times, pressing them to make, what they called useful discoveries, by giving in examinations against numbers of Roman catholics of fortune in that province (some of whom they particularly named) as actually concerned in a conspiracy, and intended massacre, which were never once thought of. But above all, that they urged them to swear, that the priest, Nicholas Sheehy, died with a lye in his mouth; without doing which, they said, no other discovery would avail them. Upon these conditions, they promised and undertook to procure their pardons, acquainting them at the same time, that they should certainly be hanged, if they did not comply with them." Thus did those virtuous men, prefer even death to a life of guilt, remorse, and shame, the just punishment in this world of their tempters, as well as the wretches seduced by them.

C H A P.

"I was three times in Ireland (says an English commoner) from the year 1760 to the year 1767, where I had sufficient means of information, concerning the inhuman proceedings (among which were many cruel murders, besides an infinity of outrages and oppressions, unknown before in a civilized age) which prevailed during that period, in consequence of a pretended conspiracy among Roman catholics against the king's government." Lett. Eng. Commoner, &c. ubi supra.

C H A P. XVII.

Reflections on the foregoing subject.

YET some persons there were, who, in order to save the characters of these their friends, from the horrible imputation of suborning others to commit perjury and murder, strenuously endeavoured, and with some success, to have it believed, that credit ought to be given to the testimony of those approvers, in preference to the solemn and unanimous declarations of these dying men. But let us advert a moment to the miserable weakness of this credulity. Those approvers were imprisoned on a charge of murder, and struck with the fear of an ignominious death; being certain, at the same time, that their pardon was to be obtained only by the testimony they gave, however false. On the other hand, the dying prisoners before mentioned, had often rejected the like offers of pardon, and solemnly denied their being guilty of the crimes for which they suffered, in the very article of death; conscious that they were instantly to account for such denial, before an all-just and all-seeing Judge. Now when we consider this material difference in the circumstances of the testimonies of the accusers, and the accused, who can forbear concluding, that the oaths of the former were wilful perjuries, prompted by the hopes of a pardon, of which the shedding of innocent blood was to be the only purchase; and that the solemn declarations of the latter, were noble and successful efforts of truth, conscience, and honour, against all the strongest temptations to the contrary, that the love of life, and the tenderest endearments and connexions of this world, could have thrown in their way."

Such, during the space of three or four years, was the fearful and pitiable state of the Roman catholics of Munster, and so general did the panic at length become, so many of the lower sort were already hang-
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ed, in jail, or on the informers lists, that the greatest part of the rest fled through fear ; so that the land lay untilled, for want of hands to cultivate it, and a famine was with reason apprehended. As for the better sort, who had something to lose (and who, for that reason, were the persons chiefly aimed at by the managers of the prosecution), they were at the utmost loss how to dispose of themselves. If they left the country, their absence was construed into a proof of their guilt : if they remained in it, they were in imminent danger of having their lives sworn away by informers and approvers ; for the suborning and corrupting of witnesses on that occasion, was frequent and barefaced, to a degree almost beyond belief. The very stews were raked, and the jails rummaged in search of evidence ; and the most notoriously profligate in both were selected and tampered with, to give informations of the private transactions and designs of reputable men, with whom they never had any dealing, intercourse, or acquaintance ; nay, to whose very persons they were often found to be strangers, when confronted at their trial.

In short, so exactly did these prosecutions in Ireland resemble, in every particular, those which were formerly set on foot in England, for that villainous fiction of Oates's plot, that the former seem to have been planned and carried on intirely on the model of the latter ; and the same just observation that hath been made on the English sanguinary proceedings, is perfectly applicable to those which I have now, in part, related, viz. “ that for the credit of the nation, it were indeed better to bury them in eternal oblivion, but that it is necessary to perpetuate the remembrance of them, as well to maintain the truth of history, as to warn, if possible, our posterity and all mankind, never again to fall into so shameful and so barbarous a delusion.”

C H A P. XVIII.

Some prospect of mitigating the rigour of the popery laws.

ALL this while, the chapels of the Roman catholics were suffered to be open, and the exercise of their religion was actually connived at; although that religion was, at the same time, accused, in the spirit of the framers and advocates of the popery laws, of prompting its professors to these pretended acts of rebellion; which proves to a demonstration, that these laws, notwithstanding their pompous title, were primarily intended, rather to deprive these people of their property and substance, than of the free exercise of their religion; since having long since taken from them almost all that was *real* of the former, they have left them unmolested with regard to the latter.^a

By this connivance, however, the defenders of these laws pretend, that the objection from the breach of the articles of Limerick is removed; as these articles promised nothing more than that the Roman catholics should

^a “ But it seems (says Mr. Young) to be the meaning, wish and intent of the discovery laws, that none of them (the Irish catholics) should ever be rich. It is the principle of that system, that wealthy subjects would be nuisances; and therefore every means is taken to reduce, and keep them to a state of poverty. If this is not the intention of these laws, they are the most abominable heap of self-contradictions that ever were issued in the world. They are framed in such a manner that no catholic shall have the inducement to become rich. Take the laws and their execution into one view, and this state of the case is so true, that they actually do not seem to be so much levelled at the religion, as at the property that is found in it. The domineering aristocracy of five hundred thousand protestants, feel the sweets of having two millions of slaves: they have not the least objection to the tenets of that religion which keeps them by the law of the land in subjection; but property and slavery are too incompatible to live together: hence the special care taken that no such thing should arise among them.” Young’s Tour in Irel. vol. ii. p. 48.

should not be disturbed in the exercise of their religion. But (besides that there is a wide difference between a meer connivance and a *privilege*, the former being purely negative, or a non-hinderance, depending solely on the will or caprice of the persons conniving; the latter, an actual and positive power of doing what is not otherwise prohibited, which power or privilege was the thing stipulated by the said articles, not only to be preserved, but also to be enlarged by a future parliament; whereas the quite contrary has been since done by these laws;) how can it be seriously imagined, that the catholics of Ireland enjoy, at this day, the free exercise of their religion, when that very exercise is precisely the cause of their being robbed, pursuant to those laws, in so many instances, of both their liberty and property! Nothing certainly can equal the absurdity of supposing the exercise of that religion to be free and undisturbed, at the same time that it is forbidden and restrained by a multiplicity of severe legal penalties, which are still occasionally inflicted.

Under all these unjust suspicions, pressures, and restraints, did the Roman catholics of Ireland labour, by the operation of the two self-executing popery acts of the second and eighth of queen Anne, without the least glimpse of any reasonable hope of redress, until the year 1775; when a prospect seemed to be opened to them of some future alleviation in the legislature's free and unsolicited tender of an oath of allegiance, which has afforded them the long-wished-for opportunity of wiping off, effectually, those foul aspersions which for so many years past have been cast upon both, by their ignorant or malicious enemies. In that year, a majority of humane and enlightened members, in both houses of parliament, having been themselves witnesses of the constant dutiful behaviour of the Roman catholics of Ireland, under many painful trials; and conscious that their long perseverance in such behaviour was the best proof they could have given of the integrity of that principle, which had hitherto withheld them from sacrificing conscience and honour
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to any temporal interest, since rather than violate either by hypocritical professions, they have, under all trials, patiently suffered in that particular: these truly patriotic members, I say, influenced by such motives, caused the aforesaid oath to be framed; which as it is the most certain test, that can possibly be required or given by men, of the sincerity of their professions must sufficiently ensure their civil duty and allegiance.

As the conciliating spirit of the framers of this oath manifestly appears in the preamble to it, it may not be improper to insert it in this place at large.

“Whereas many of his majesty’s subjects in this kingdom are desirous to testify their loyalty and allegiance to his majesty; and their abhorrence of certain doctrines imputed to them; and to remove jealousies, which hereby have, for a length of time, subsisted between them and others, his majesty’s loyal subjects; but upon account of their religious tenets, are by the laws now in being, prevented from giving public assurances of such allegiance, and of their real principles, good-will and affection towards their fellow subjects; in order, therefore, to give such persons an opportunity of testifying their allegiance to his majesty, and good-will towards the constitution of this kingdom, and to promote peace and industry among the inhabitants thereof, be it enacted, &c.”

This test, so well calculated to answer all the necessary purposes of civil duty and allegiance, was, at its first promulgation, voluntarily and cheerfully taken by a great and respectable number of the Roman catholic clergy, nobility, gentry, and people; when no other apparent benefit to them was either proposed or expected from it, but that of testifying, in the most effectual manner, their loyalty and attachment to his majesty’s person and government, as well as their abhorrence of certain impious doctrines, most uncharitably imputed to them by their enemies.

C H A P. XIX.

The catholics of Ireland state their grievances in an humble address and petition to the lord lieutenant to be laid before his majesty.

ABOUT this time these people, fearing that neither the number nor quality of their grievances were truly made known to his majesty, or his council in England; from whom, in the last resort, their redress was expected; set forth and delineated some part of the most considerable of them, in the following dutiful address and petition; which, in order to its being transmitted to England, and laid before his majesty, was presented, in due form, to his Excellency the Earl of Buckinghamshire, lord lieutenant of Ireland, by the Right Honourable the Earl of Fingal, the Honourable Mr. Preston, and Anthony Dermot, Esq. And as it has been hitherto but in few hands, and indeed exhibits a rare and striking picture of persevering loyalty, under oppression, I will here communicate it to my readers.

To the KING's most Excellent MAJESTY.

The humble Address and Petition of the Roman Catholics of Ireland.

Most gracious Sovereign,

WE your majesty's most dutiful subjects, the Roman catholics of your kingdom of Ireland, with hearts full of loyalty, but overwhelmed with affliction, and depressed by our calamitous and ruined circumstances, beg leave to lay at your majesty's feet some small part of those numerous and insupportable grievances under which we have long groaned, not only without any act of disobedience, but even without murmur or complaint; in hopes that our inviolable submission, and unaltered patience under those severe pressures, would fully confute the accusation of seditious principles,
with

with which we have been unfortunately and unjustly charged.

We are deeply sensible of your majesty's clemency, in moderating the rigorous execution of some of the laws against us: but we humbly beg leave to represent, that several, and those the most severe, and distressing of these laws, execute themselves with the most fatal certainty, and that your majesty's clemency cannot, in the smallest degree interpose for their mitigation, otherwise your Roman catholic subjects would most cheerfully acquiesce in that resource, and rest with an absolute and unbounded assurance, on your majesty's princely generosity, and your pious regard to the rights of private conscience.

We are, may it please your majesty, a numerous and very industrious part of your majesty's subjects, and yet by no industry, by no honest endeavours on our part, is it in our power to acquire or to hold, almost any secure or permanent property whatsoever; we are not only disqualified to purchase, but are disabled from occupying any land even in farm, except on a tenure extremely scanty both in profit and in time; and if we should venture to expend any thing on the melioration of land thus held, by building, by inclosure, by draining, or by any other species of improvement, so very necessary in this country; so far would our services be from bettering our fortunes, that these are precisely the very circumstances, which, as the law now stands, must necessarily disqualify us from continuing those farms, for any time in our possession.

Whilst the endeavours of our industry are thus discouraged, (no less, we humbly apprehend, to the detriment of the national prosperity and the diminution of your majesty's revenue, than to our particular ruin) there are a set of men, who, instead of exercising any honest occupation in the commonwealth, make it their employment to pry into our miserable property, to drag us into the courts, and to compel us to confess on our oaths, and under the penalties of perjury, whether we have, in any instance, acquired a property in the smallest degree exceeding what the rigor of the law has admitted

mitted; and in such case the informers, without any other merit than that of their discovery, are invested (to the daily ruin of several innocent, industrious families) not only with the surplus in which the law is exceeded, but in the whole body of the estate, and interest so discovered, and it is our grief that this evil is likely to continue and increase, as informers have, in this country, almost worn off the infamy, which in all ages, and in all other countries, has attended their character, and have grown into some repute by the frequency and success of their practices.

And this, most gracious sovereign, though extremely grievous, is far from being the only or most oppressive particular, in which our distress is connected with the breach of the rules of honour and morality. By the laws now in force in this kingdom, a son, however undutiful or profligate, shall, meerly by the merit of conforming to the established religion, deprive the Roman catholic father of that free and full possession of his estate, that power to mortgage or otherwise dispose of it, as the exigencies of his affairs may require; but shall himself have full liberty immediately to mortgage or otherwise alienate the reversion of that estate, from his family for ever; a regulation by which a father, contrary to the order of nature, is put under the power of his son, and through which an early dissoluteness is not only suffered, but encouraged, by giving a pernicious privilege, the frequent use of which, has broken the hearts of many deserving parents, and entailed poverty and despair, on some of the most ancient and opulent families in this kingdom.

Even when the parent has the good fortune to escape this calamity in his life-time, yet he has at his death, the melancholy and almost certain prospect of leaving neither peace nor fortune to his children; for by that law, which bestows the whole fortune on the first conformist, or, on non-conformity, disperses it among the children, incurable jealousies and animosities have arisen; a total extinction of principle and of natural benevolence has ensued; whilst we are obliged to consider our own offspring

and the brothers of our own blood, as our most dangerous enemies; the blessing of providence on our families, in a numerous issue, is converted into the most certain means of their ruin and depravation: we are, most gracious sovereign, neither permitted to enjoy the few broken remains of our patrimonial inheritance, nor by our industry to acquire any secure establishment to our families.

In this deplorable situation, let it not be considered, we earnestly beseech your majesty, as an instance of presumption or discontent, that we thus adventure to lay open to your majesty's mercy, a very small part of our uncommon sufferings; what we have concealed under a respectful silence, would form a far longer, and full as melancholy a recital; we speak with reluctance, though we feel with anguish; we respect from the bottom of our hearts that legislation under which we suffer; but we humbly conceive it is impossible to procure redress without complaint, or to make a complaint, that by some construction may not appear to convey blame: and nothing, we assure your majesty, should have extorted from us even these complaints, but the strong necessity we find ourselves under of employing every lawful, humble endeavour, lest the whole purpose of our lives and labours should prove only the means of confirming to ourselves, and entailing on our posterity, inevitable beggary, and the most abject servitude; a servitude the more intolerable, as it is suffered amidst that liberty, that peace, and that security, which, under your majesty's benign influence, is spread all around us, and which we alone, of all your majesty's subjects, are rendered incapable of partaking.

In all humility we implore, that our principles may not be estimated by the inflamed charge of controversial writers, nor our practices measured by the events of those troubled periods, when parties have run high (though these have been often misrepresented, and always cruelly exaggerated to our prejudice); but that we may be judged by our own actions, and
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in our own times ; and we humbly offer it to your most equitable and princely consideration, that we do not rest the proof of our sincerity on words, but on things ; on our dutiful, peaceable submissive behaviour for more than four-score years : and though it will be considered as too severe to form any opinion of great bodies, by the practice of individuals, yet if in all that time, amongst all our people, in the daily increase of severe laws against us, one treasonable insurrection, or one treasonable conspiracy can be proved ; if amongst our clergy, one seditious sermon can be shewn to have been preached ; we will readily admit that there is good reason for continuing the present laws in all their force against us : but if, on the contrary (we speak in full confidence) it can be shewn, that our clergy have ever exerted their utmost endeavours to enforce submission to your majesty's government, and obedience to your laws ; if it can be shewn that these endeavours have always been most strenuous in times of public danger, or when any accident tended to create a ferment amongst the people ; if our laity have frequently offered (what we are always ready to fulfil) to hazard their lives and fortunes for your majesty's service ; if we have willingly bound up the fruits of our discouraged industry with the fortune of your majesty's government in the public loans ; then we, humbly hope, we may be admitted to a small portion of mercy, and that that behaviour, which your majesty's benignity and condescension will esteem a merit in our circumstances, may entitle us, not to reward, but to such toleration as may enable us to become useful citizens to our country, and subjects as profitable, as we are loyal to your majesty.

Permit us, most gracious sovereign, on this occasion, to reiterate the assurances of our unshaken loyalty, which all our sufferings have not been able to abate ; of our sincere zeal for your majesty's service, of our attachment to the constitution of our country, and of our warmest gratitude for your majesty's con-

tinual indulgence, and for the late instance of favour we have experienced from parliament, in enabling us, consistent with our religious tenets, to give a legal proof of our sentiments upon these points. And we humbly hope, that the alacrity and eagerness with which we have seized this first, though long wished opportunity of testifying, in the most solemn and public manner, our inviolable fidelity to your majesty, our real principles, and our good-will and affection towards our fellow subjects; will extinguish all jealousies, and remove those imputations, which alone have hitherto held us forth in the light of enemies to your majesty, and to the state. And if any thing farther can be suggested or devised, whereby we can by our actions, more fully evince our sincerity, we shall consider such an opportunity of demonstrating our real loyalty, as an high favour, and shall be deficient in no act whatever, which does not amount to a renunciation of that religious profession which we value more than our lives, and which it cannot be suspected we hold from obstinacy or a contempt of the laws, since it has not been taken up by ourselves, but has, from time immemorial, been handed down to us from our ancestors.

We derive no small consolation, most gracious sovereign, from considering, that the most severe and rigorous of the laws against us had been enacted before the accession of your majesty's illustrious house to the throne of these kingdoms: we therefore indulge the more sanguine hopes, that the mitigation of them, and the establishment of peace, industry and universal happiness, amongst all your loyal subjects, may be one of the blessings of your majesty's reign. And though we might plead in favour of such relaxation, the express words of a solemn treaty, entered into with us, by your majesty's royal predecessor, king William, (which has been forfeited by no disobedience on our part) yet, we neither wish, nor desire, to receive any thing, but as a mere act of your majesty's clemency, and of the indulgence and equity of your parliament.

That

That this act of truly royal beneficence and justice, may be added to the other instances of your majesty's august virtues, and that the deliverance of a faithful and distressed people, may be one of those distinguishing acts of your reign, which shall transmit its memory to the love, gratitude and veneration of our latest posterity, is the humble prayer of, &c. &c.

Fingall	John Baggot
Gormanston	James O'Reily
Dillon	Hugh O'Reilly
Kenmare	William O'Reilly
Cahier	Robert French
Trimbleston	James Moore
Valentine Brown	Pierce Birmingham
P. Bellew	Michael Bellew
Robert Butler	Luke Masterfon
Thomas Kavanagh	Andrew Hearne
Michael Aylmer	Robert Daly
William Cooke	John Ryan
Thomas Dillon	Edward Fanestall
Richard Talbot	Bartholomew Barnwell
Charles White	Tyrrel O'Reily
Matthew Talbot	Richard Farrell
Robert Netterville	Anthony Dermott
Farrel Caddell	And above three hun-
Robert Caddell	dred other respecta-
N. Dease	ble persons.
John White	

Having given a brief account of the state of the catholics of this kingdom since the revolution to the present time, groaning under the oppressive weight of the popery laws: I shall now conclude with the following extract from the observations of that judicious and impartial writer, Mr. Young, on the State of Ireland; and leave the candid and unprejudiced reader to judge of the cruel treatment and long sufferings of these people.

“ It is no superficial view I have taken of this matter in Ireland, and being at Dublin at the time a very trifling part of these laws was agitated in parliament, I attended the debates, with

with my mind open to conviction, and auditor for the mere purpose of information : I have conversed on the subject with some of the most distinguished characters in the kingdom, and I cannot after all but declare that the scope, purport, and aim of the laws of discovery as executed are not against the catholic religion which encreases under them, but against the industry, and property of whoever professes that religion. In vain has it been said, that consequence and power follow property, and that the attack is made in order to wound the doctrine through its property. If such was the intention, I reply, that seventy years experience prove the folly and futility of it. Those laws have crushed all the industry, and wrested most of the property from the catholics ; but the religion triumphs ; it is thought to encrease. Those who have handed about calculations to prove a decrease, admit on the face of them that it will require FOUR THOUSAND YEARS to make converts of the whole, supposing that work to go on in future, as it has in the past time. But the whole pretence is an affront to common sense, for it implies that you will lessen a religion by persecuting it : all history and experience condemn such a proposition.

The system pursued in Ireland has had no other tendency but that of driving out of the kingdom all the personal wealth of the catholics, and prohibiting their industry within it. The face of the country, every object in short which presents itself to the eye of a traveller, tells him how effectually this has been done. I urge it not as an argument, the whole kingdom speaks it as a fact. We have seen that this conduct has not converted the people to the religion of government ; and instead of adding to the internal security of the realm, it has endangered it : if therefore it does not add to the national prosperity, for what purpose but that of private tyranny could it have been embraced and persisted in ? Mistaken ideas of private interest account for the actions of individuals, but what could have influenced the British government to permit a system which must inevitably prevent the island from ever becoming of the importance which nature intended !" *Young's Tour in Irel.* vol. ii. p. 48-9.

APPENDIX.

A P P E N D I X.

No. I. From the MSS. Trinity College, Dublin.

A brief Declaration of the Government of Ireland; opening many Corruptions in the same; discovering the Discontentments of the Irishry; and the Causes moving those expected Troubles: and shewing Means how to establish Quietness in that kingdom honourably, to your Majesty's profit, without any encrease of charge.

[Wrote in the government of Sir William Fitz-Williams, who was six years lord deputy in Ireland; that is, from the year 1588 to the year 1594.]

By Captain THOMAS LEE, 1594. Anno Regni Reginae 37^o.

To the Queen's most excellent Majesty.

UNDERSTANDING, most gracious sovereign, the proud and insolent terms the lords of the north of Ireland do now stand upon, it maketh me bold to set down my knowledge of those parts to your majesty, because I have debated often with the chiefs of them, what was fit they should yield unto your majesty; and that it was unmeet for them in any sort to condition with your highness: in the end (after long debating) they seemed somewhat to like and allow of that which I demanded, as hereafter shall appear. And because your majesty may the better judge the causes of their discontentments, I have here set down the unconsciable courses which have been held towards them, which being remedied, and that they may see your majesty doth no way allow of the same, there is no doubt (notwithstanding all their proud shews of disloyalty) but that they may be brought to dutiful obedience, and to yield you that profit which neither your majesty now hath, nor any of your progenitors ever had; so as they may likewise have that which they demand, being nothing unfit for your majesty to grant. In which discourse, if any thing should seem unpleasing to your majesty, I humbly beseech you to pass it over, and to peruse the rest, whereof I doubt not, but something will content your highness, for that it tendeth to your highness's service and commodity.

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My meaning, whereby your highness's profit may arise, is by O'Donnel, Maguire, Bryan Oge O'Rourke, and Bryan Oge M'Mahon.

The demands I made for your majesty were these, that they should receive your majesty's forces into their countries: and your laws to go current, as they did in other places; and some part of their countries to be reserved for your majesty, to dispose unto them who should govern them, and they to charge themselves with that proportion that was fit for them to bear.

To those demands they all yielded, so that they might have such gentlemen chosen, as they knew would use no treachery nor hard measures towards them, but to live upon that which your majesty would allow; and that which they would give of their free consents, and to be no further charged; and they would be as dutiful as any other country in Ireland now is. And how this may be performed, I have made bold with your majesty's favourable liking, here to set down upon my knowledge, both how your majesty's forces may be received with their consent, and they to yield great profit in discharge of that which your majesty allows to the soldiers, and the soldiers to be well satisfied.

The cause they have to stand upon those terms, and to seek for better assurance, is the harsh practices used against others, by those who have been placed in authority, to protect men for your majesty's service, which they have greatly abused and used in this sort.

They have drawn unto them by protection, three or four hundred of these country people, under colour to do your majesty service, and brought them to a place of meeting, where your garrison soldiers were appointed to be, who have there most dishonourably put them all to the sword; and this hath been by the consent and practice of the lord deputy for the time being. If this be a good course to draw these savage people to the state, to do your majesty service, and not rather to enforce them to stand upon their guard, I humbly leave to your majesty.

When some one who hath been a bad member (pardoned by your majesty) hath heard himself exclaimed upon to be a notable thief after his pardon; and hath simply come in without any bonds, or any other enforcement, to an open session, to take his trial, by your majesty's laws, if any could accuse him: notwithstanding his coming in after this manner, and without any trial at the time (because he was a bad man in times past) there hath been order given in that session for the execution of him; and so he has lost his life, to the great dishonour of your majesty, and discredit of your laws.

There

There have also been divers others pardoned by your majesty, who have been held very dangerous men, and after their pardon have lived very dutifully, and done your majesty great service, and many of them have lost their lives therein; yet, upon small suggestions to the lord deputy, that they should be spoilers of your majesty's subjects, notwithstanding their pardon, there have been bonds demanded of them for their appearance at the next sessions. They knowing themselves guiltless, have most willingly entered into bonds, and appeared, and there (no matter being found to charge them) they have been arraigned only for being in company with some one of your highness's servitors, at the killing of notorious known traitors; and for that only have been condemned of treason, and lost their lives. And this dishonest practice hath been by the consent of your deputies.

When there have been notable traitors in arms against your majesty, and sums of money offered for their heads, yet could by no means be compassed, they have in the end (of their own accord) made means for their pardon, offering to do great service, which they have accordingly performed, to the contentment of the state, and thereupon received pardon, and have put in sureties for their good behaviour, and to be answerable at all times, at assizes and sessions, when they should be called; yet, notwithstanding, there have been secret commissions given for the murdering of those men. They have been often set upon by the sheriffs of shires, to whom the commissions were directed, in sundry of which assaults, some of them have been killed, and others have hardly escaped. And after all this, they have simply come, without pardon or protection, to an open place of justice, to submit themselves to your majesty's laws; where they have been put to their trial upon several indictments, of all which they have been acquitted, and set at liberty. If this be a course allowable, for poor men to be handled in this manner, and to be at no time in safety of their lives, I humbly leave to your majesty.

When many notorious offenders have submitted themselves to your majesty's mercy, and have been accepted, and have had their pardons, and have put in good assurances to be at all times answerable to your laws; the chiefest rebel (whose followers they were) hath been countenanced and borne out by your state, to rob and spoil, burn and kill these poor men, who did thus submit themselves. When they have very pitifully complained against that arch-rebel and his complices, of these outrages, they have been sharply rebuked and reprov'd for their speeches, and left void of all remedy for their losses; so as when in the end they have made petition to have licence by their own means, and help of their friends, to recover their goods from the rebels, they have been rejected, and utterly discomforted;
yet,

yet, nevertheless, remained dutiful subjects, although they see, that such as continue notorious malefactors, are in far more safety than they who depend upon your majesty's defence.

For it is well to be proved, that in one of your majesty's civil shires, there lived an Irishman, peaceably and quietly, as a good subject, many years together, whereby he grew into great wealth, which his landlord thirsting after (and desirous to remove him from his land) entered into practice with the sheriff of the shire, to dispatch this simple man, and divide his goods between them. They sent one of his own servants for him, and he coming with his servant, they presently took his man, who was their messenger, and hanged him; and keeping the master prisoner, went immediately to his dwelling, and shared his substance (which was of great value) between them, turning his wife and many children to begging. After they had kept him fast for a season with the sheriff, they carried him to the castle of Dublin, where he lay by the space of two or three terms; and having no matter objected against him, whereupon to be tried by law, they by their credit and countenance, being both English gentlemen, and he who was the landlord (the chiefest man in the shire) informed the lord deputy so hardly of him, as that without indictment or trial they executed him, to the great scandal of your majesty's state there, and impeachment of your laws. For if this man had been such an offender as they urged, why was he not tried by ordinary course of law, whereby good example of justice might have been shewed, and your highness benefited by his wealth, which they shared; but to cut him off by martial law, who was a good householder, inhabiting a civil country always liable to law, and last imprisoned in Dublin (where all the laws of that land have their head), was, in my conceit, rather rigour than justice; for as martial law is very necessary, and (in my opinion) ought to be granted to all governors of remote and savage places, where your majesty's laws are not received, with all other authority and power, severely and sharply to cut off or punish offenders, according to the quality of their offence, until such time as the people shall become civil, and embrace the laws and peaceable living (for till then they are not to be governed without the like measure of justice) so to use the same where the people are civil and obedient to other laws, is very indirect, and favours of cruelty; and yet this, and the like exemplary justice, is ministered to your majesty's poor subjects there, who, if they have once been offenders, live they never so honestly afterwards, if they grow to any wealth, are sure by one indirect means or other to be cut off.

When there have been means made to an aged gentlemen (never traitor against your majesty, neither he nor any of his ancestors, and dwelling in one of the remotest parts of your kingdom)

kingdom) to come into your state; and that the hard courses used to others, made him demand security for his coming in, which hath been sent unto him by great oaths and protestations, delivered by the messenger, whereof he hath accepted, and thereupon come in: yet, notwithstanding all these promised safeties, this aged gentleman hath been detained prisoner for six years, and so yet remaineth. And his imprisonment is the only colour to satisfy your majesty for a wonderful great charge, which your majesty and your subjects were then put unto. But his detaining contrary to promise, hath bred great fear in all or most of his sort (in those parts) of crediting what your state there shall promise.

When upon the death of a great lord of a country, there hath been another nominated, chosen, and created, he hath been entertained with fair speeches, taken down into his country, and for the offences of other men, indictments have been framed against him, whereupon he hath been found guilty, and so lost his life; which hath bred such terror in other great lords of the like measure, as maketh them stand upon those terms which now they do.

When there hath been a stratagem used for the taking into your majesty's hands a young youth [the Earl of Tyrconnel], the heir of a great country, by whose taking his whole country would have been held in obedience, the practice whereof was most good and commendable; yet (after the obtaining of him) his manner of usage was most dishonourable and discommendable, and neither allowable before God nor man. My reasons are these: he being young, and being taken by this stratagem, having never offended, was imprisoned with great severity, many irons laid upon him as if he had been a notable traitor and malefactor, and kept still among those who were ever notorious traitors against your majesty; having no other council, or advice, or company but theirs, what good could come to this young man for his education among such, I humbly refer to your highness.

The taking of him as aforesaid, was most commendable, and for the good of that country, so he had been brought up in this manner, presently to have been sent to your majesty, to have been instructed in the fear of God, to have known his duty to your majesty, and to have been furnished with all necessary parts for a gentleman. And as your majesty should have found his disposition, so either to have detained him here or sent him home into his country, whose good example (by his virtuous training up) might have done God and your majesty much good service in those parts.

I have been the more bold to discover unto your majesty the dishonourable managing of your service there, by the indirect cutting off of sundry your majesty's poor subjects, because it pleased

pleased your highness (many years since) to impart unto me, how much you abhorred to have your people there dealt withal, by any practice, but only upright justice, by your majesty's laws and forces, which being otherwise handled, I desire to make known unto your majesty, and your most honourable council, for redress thereof.

But I fear, that they who have well liked that course, and have been practisers of the same, will inform your majesty, that those people are so bad, as it is no matter of conscience to cut them off any way howsoever, which is (in my opinion) for none but tyrants and beggarly princes to imitate. But your majesty being of so great power to offend the mightiest kings of the world, and to revenge yourself upon them, may with much honour suppress your own vassals, by your highness's laws and forces, wherewith you are at charge in those parts for that purpose.

These principal instruments, as the lord deputy, and they who have been his assistants in those dishonest practices, have not only used these bad means against those poor remote and savage people, but have done all their endeavours (so far as in them lay) to discomfort and discredit your majesty's best servitors, living under their commands, because they disliked to execute such unjust practices and devices, and to allow of their covetous, unconscionable and dishonourable gettings.

I am emboldened, most gracious sovereign, to declare thus much, because, not only my poor self (one of the meanest in that place of service) have been partaker of it; but some of your majesty's chief officers also have tasted the indiscreet bitterness of the two last lord deputies, as namely, Sir Robert Gardiner, in his place of justice, a most worthy man, and void of all manner of corruption; and Sir Richard Bingham, in his place of government, against whom (even within his own jurisdiction) traitors have been suborned and countenanced by them; and the like in nature, though not in quality, hath been done against myself; and as for Sir Richard, there was never man in his place that hath done your majesty like honourable service, without increase of charge. For my own part, I leave the report of my service to such as know it, and have seen it; yet have they not only done me injustice there, but have also used their best friends and credit here, to obscure my good deserts, and to make (as far as in them lieth) me a man to be hated of your majesty, depressing me with all their might and authority there, and crossing me with all their ability and malice here, not because I have slackened or not performed your majesty's service at any time, but for that I have afore time and now, discovered unto your highness their dishonourable dealings and intolerable corruptions.

And

And I desire not that your majesty should either simply credit me this my plain detecting them, nor them in excusing themselves; but if it please your highness, to appoint commissioners in that realm for the trial, if I prove not directly all that ever I have here declared, let me lose your gracious favour for ever.

Thus far of the disordered courses there held, all which notwithstanding your majesty's profit, may arise in those parts, in fort, as followeth:

First, for O'Donnel's country, it may please your majesty to send thither such gentlemen, against whom O'Donnel nor his country can take any exceptions; nor your state there think unfit for judgment or ability; namely, Captain Anthony Brabazon, to be seneschal of that country, and to have under his charge twenty-five horse; Captain Nathaniel Smith, to have 100 foot; Captain William Warren, to have his five horsemen restored to him (which Sir William Fitz-Williams bestowed upon others) and added to the twenty which he hath, to strengthen his band, and to be sent thither to be sheriff of that county. And for the settling of your majesty's forces there, to reserve these lands to be inhabited by those, whom those gentlemen shall take with them, viz. one small barony belonging to Tyrconnel, on that side of the river towards Conaught, called, as I take it, the barony of Carbery; the castle of Ballyshannon to be reserved still in your majesty's hands, for him who shall command there; the abby of Tashiroe to be bestowed upon the seneschal; the abby of Donegal, and the abby of Derry, are two abbies that have no lands belonging to them; so much land, therefore, to be laid unto them, as shall be thought sufficient for their habitations, who shall be drawn thither.

And the remain of the whole country to be given to O'Donnel and the chief men under him, so as they will contribute to this charge, which is only the diet of the hundred foot, which they may pay in meal, butter and beef, according to their usual manner, and your majesty's chief rent besides, which is 200l. yearly, to be the seneschal's fee; which 200l. your majesty seldom or never hath. This I believe O'Donnel will submit himself unto and perform, if he may be handled thereafter.

This garrison once settled in that place, will procure great quietness in your province of Conaught, and stop the only passage which they have to go to and fro to assist any traitor that may rebel there.

For Maguire's country called Farmanohan, Sir Dudley Loftus with his twenty-five horse (whereof he also wanteth five, taken from him as aforesaid is mentioned, to be restored to him), and he to be sent seneschal of that country; Henry Warren, his brother-in-law, to be sent as sheriff and assistant unto him, and to have 100 footmen under his charge. Your majesty
to

to bestow upon those two gentlemen (to be inhabited by them and their friends) all those islands which are upon the lough, and that one abby which is in the country, and the lands belonging to it, and the castle of Enniskillen, lately taken from Maguire; and the rest of that country, to remain to the chief men inhabiting there, so as they defray the seneschal's fee and the charge of the twenty-five horse, to be levied in butter, meal and beef, both for the diet and wages of the horsemen, and their horse-meat, in such sort as the Irishry themselves shall set down, which will be a greater proportion than your majesty would demand.

For the county of Monaghan, called Macmahon's country, in respect of the great dislike which the Irishry have of the now seneschal there, it may please your majesty to let him be removed, and in his place (for that it is next to the Earl of Tyrone's country, and the chief place of the earl's abode) that Sir George Bouchier may be sent thither as seneschal, because of the companies of horse and foot which are under his charge, and for that he is a gentleman of good worth, who will with some good show live in the place, which will be a great comfort to the earl to have such a neighbour; and to assist Sir George in that service, to send Sir Henry Duke as sheriff of that country, to be placed in the abby of Cloonis (which is your majesty's, and himself your farmer there) with his own company of light-foot, and a band of 100 foot more to be there in garrison.

This place of Cloonis is the only passage from M'Guire's country, and those parts, whereby the rebels may be stopped from doing your majesty's good subjects any great damage in the English pale.

Your majesty may supply those places with two hundred foot and twenty-five horse without any increase of charge, taking them from such of the old garrisons as may very well spare them; for some one of the commanders of them is not worthy of a company, because (in the last conflict with the rebels) he lost his colours, and all his men ran away; and he who receiveth such dishonour by such base traitors, it is a pity ever he should carry colours or credit any more.

The aforementioned two hundred foot and twenty-five horse are to be placed in Tyrconnel and Farmanohan, and the one hundred foot to be under Sir Henry Duke in Monaghan; at the abby of Cloonis may be also one of the companies of the old garrison, and yet all other places of service very well furnished within.

Within short time after Sir William Fitz-Williams his receiving the sword, he (finding many of your majesty's garrison-bands of soldiers in the hands of divers of your highness's counsellors there) had an intent to take them from them,
and

and to dispose them to such gentlemen as were more fit to follow your majesty's service, and often said it was no reason but rather a great shame that such as were assistants to him at the council board (having great offices and great entertainments belonging to them, and being otherways men of good living, and yet unable to lead men and follow the fury of the wars) should have bands of your majesty's soldiers remaining in their hands; adding moreover, that it was unfit and unsafe for your majesty's men and service to be trained by and trusted to their officers discretion, but rather to be bestowed upon gentlemen of worth, ability and skill to follow the wars, which purpose of his, if it had taken effect, would (no doubt) have advanced your majesty's service in that kingdom very much: but when he better considered his own estate, and his coming to that place, and what peril he should draw unto himself to hinder all his purposes of gaining, if he should strive with these great ones, he thought it more safe to let those bands remain as they were, than to pluck such a danger upon himself; for he knew if he should displease them (being men of great friends and abilities) he could not have lived there six years to have made his commodity of that your majesty's poor kingdom, deserving the place so little as he did.

But your majesty being free from such doubt as troubled him, may dispose those bands (as he had purposed) unto men of good deserts, who have been long trained in your majesty's service there without reward, and many of them live discontented to see men of no worth accounted of, and themselves being men of value neglected.

Whereby also your majesty shall encourage many others to offer themselves freely to your highness's service, when they shall see good deserts rewarded.

If these counsellors had been heretofore themselves employed with their bands in the remotest parts there, to do your majesty's service in person, where great need ever was, there is no doubt but it had much availed; but to hold their bands of soldiers as they have done, and yet do, there is no reason why they should have them.

But to return to my purpose; these bands being well disposed of, and the forenamed garrisons placed in manner before expressed, and the same accepted of by the Irishry, because they shall see that it tendeth to their good, and that nothing shall be taken from them more than is compounded for, shall win them to honour, love and obey your highness, and your officers and laws,

Your majesty (to have this good service effected) may be pleased, that as well the chief commanders of these garrisons, as also the soldiers, may be fully paid all their entertainment every month; whereby your majesty shall be freed from the charge

charge of their victualling, and they shall have no cause to exact upon the poor people for want of victuals, or other provision.

It may likewise please your majesty, in respect these late and present wars and troubles have greatly impoverished them, to grant unto the inhabitants of those countries of Tyrconnel, Farmanohan and Monaghan, two whole years respite before they shall pay any of the aforesaid contributions; and that for those two years they may not have any assizes or sessions within their countries, but that the seneschals of those places may have full and absolute authority over them; together with martial law (as hath been accustomed) to cut off all malefactors, and straggling traitors; in which time those countries may be quietly inhabited, and grow to some competent means to live upon, and be able to pay your majesty.

And likewise it may please your majesty, to appoint them such a judge for the circuit as will use them with all clemency and mercy, and not to take such slender advantages against them as many of their own countrymen have done; for, I assure myself, if the choice of a justice was left to themselves, they would never choose an Irishman, because none are so corrupt as they.

Whereas young O'Rourke is also out, and a great disquiet of your majesty's province of Conaught, he will in like sort yield himself a subject, and receive a sheriff into his country, and pay all duties appertaining, so as he may be accepted into grace, and restored to all that was his father's. This I think he verily will perform, because I have been moved to be a dealer between Sir Richard Bingham and him.

And whereas I have taken upon me to nominate certain gentlemen as fit men for the places aforesaid, without any of their privities, yet I am well assured (if it please your majesty to appoint and command them) they will with all their abilities and endeavours be ready; but if any of them shall mislike, in respect of the dangers of the places, and smallness of their companies, there be others who will undertake it.

A great part of that unquietness of O'Donnel's country came by Sir William Fitz-Williams his placing of one Willis there to be sheriff, who had with him three hundred of the very rascals and scum of that kingdom, which did rob and spoil that people, ravish their wives and daughters, and made havock of all; which bred such a discontentment, as that the whole country was up in arms against them, so as if the Earl of Tyrone had not rescued and delivered him and them out of the country, they had been all put to the sword.

The profit which shall redound to your majesty by placing these garrisons aforesaid in this sort, will (after the first two years)

years) amount yearly to 6000 marks, that is to say 3000 marks to be saved, and 3000 marks to be gained.

Concerning Tyrone, as your majesty hath bestowed it upon the Earl, so for the better furtherance of the aforesaid services, it may please your highness to accept of his own offers, which were that all Tyrone might be but one county, which granted, he would (upon his own charge) build a gaol and a session-house, and receive a sheriff into his country, whereby your laws might be observed there.

And where the earl's adversaries have, in times past, incensed your majesty against him, for the hanging and cutting off one Hugh Gavelock, a notable traitor, and son to Shane O'Neale, informing your majesty, that the said Hugh was your majesty's subject, it shall be well proved that he was ever a traitor against your majesty, a daily practiser with foreigners (as the Scots and others) for the disturbances of that kingdom, and one who sought by all means to overthrow the earl, who by martial law (which he then had) did cut him off for his offences. For the doing whereof, he did incur your highness's displeasure; and the said martial law, which kept that whole country in awe, was taken from him; the want whereof has made his country people grow insolent against him, and careless of observing any humanity or duty, which hath bred the outrages now in practice, so that (in my poor opinion) it were requisite to restore the same authority unto him, provided it should not extend to the cutting off of any but such malefactors, as shall be of his own country, his tenants and followers; and I dare say, he may every year hang 500 false knaves, and yet reserve a great stock to himself: he cannot hang amiss there, so he hangs somebody.

For the performance of the service in those aforesaid countries, it is not O'Donnel, Maguire, Brian Oge Macmahon, nor Brian Oge O'Rourke, nor any of those four who must be dealt withal, for they are all traitors and villains, and most obstinate against your majesty. But the foundation must be laid upon the Earl of Tyrone, to draw him by any reasonable conditions unto your majesty, that you may have conference with him, and as he is made by your majesty a great man there, so may he be also a special good member in that commonwealth, to redress and remedy many great disorders, which no doubt he would faithfully do, if he might be trusted, for what maketh a man honest but trust.

And whereas some affirm that he standeth upon a pardon for himself and his followers, I think not so; for he and they hold themselves in less safety thereby, than they were before, because they have seen pardons serve (in their conceit) rather for traps to catch others in, than for true and just remission and

acceptance into the free benefit of subjects, which maketh him fear the like practice towards himself.

For whom, although I have undertaken at my first coming, that he should have performed as much as I then delivered on his behalf to your majesty, now I dare not engage my credit so far from him, because it is long since I saw him.

But if it please your majesty to send me unto him, with encouragement and protection immediately from your majesty, that he shall come to your lord deputy there, and to your highness here in safety, to come and go without impediment or stay of his person, I doubt not but to bring him and his son (whom I would wish to be detained, but as himself shall like of) and whatsoever he undertaketh to the lord deputy, coming in after this manner, there is no doubt of his performance: I know his adversaries, who never were such friends as they might have been to the commonweal of that kingdom, will be earnest with your majesty against this, and that it is a great dishonour to you to grant it; but it will be proved, by their testimony who live there, how greatly it shall advance your majesty's service in this dealing with him, who hath heretofore served faithfully and valiantly, and hath therefore well merited, and shall save the lives of your highness's subjects, and the expence of much of your treasure.

They who will be against this, have those many years suffered notorious traitors, namely, Feagh M'Hugh, and the bastard Geraldines, mightily to dishonour your majesty, in the very view of your state; and with that base rebel and his adherents, they will deal, as it were by way of intreaty, to accept of protections, which is as much dishonour to a prince of your excellency and greatness as may be, so to condition with such beggarly objects, as have neither power nor wealth, and yet are noted here to be great and dangerous men to your state there.

If there go not some speedy contentment to the earl, to stay all this expected fury, which is very like to happen, but that there must be present wars made upon him and his adherents, your majesty shall take them in hand at a very unfit time, when they are thoroughly provided to do great mischief, and your majesty not so provided, to defend your poor subjects from their sudden force and fury.

Your majesty, since you were queen, never had so great cause to bethink you of the service of that place, as now you have. Your highness shall not get so great honour in cutting off him, and thousands of those bare people that follow him, as you shall to win him and them to be good and loyal subjects, and to live and serve your highness for good offices. As the case now standeth with the earl, he hath small encouragements to be otherwise than now he is.

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For where it was your majesty's pleasure he should have great encouragement given him, by thanks for his last good service against Maguire, it was held from him, and instead of that, they devised all means and policies to aggravate matters against him to your majesty, which is credibly made known unto him; and more, that upon what security soever he should come in, your majesty's pleasure is to have him detained. How he hath these advertisements from hence, I know not, but your majesty is, or shall be informed that he and his lady are papists, and foster seminaries, &c.

True it is, he is affected that way, but less hurtfully and dangerously than some of the greatest in the English pale: for when he is with the state, he will accompany the lord deputy to the church, and home again, and will stay and hear service and sermon; they, as soon as they have brought the lord deputy to the church door, depart as if they were wild cats, and are obstinate; but he, (in my conscience) with good conference, would be reformed; for he hath only one little cub of an English priest, by whom he is seduced, for want of his friends access unto him, who might otherwise uphold him.

There hath been an old dunsical demand in taking pledges of such as are held dangerous men to your majesty's state there. I make bold to give it that term, because there is no one who hath known your service of Ireland longest, who can set down and prove that ever Irishman was held in obedience by his pledge: if any can, let me lose my credit for ever. I am able to set down of my own knowledge, almost by twenty years experience, in which time I have seen many pledges taken for the Irishery, for retaining them in obedience, the father for the son, the son for the father, the brother for the brother, and many other of like nature; when they have taken their times, nevertheless, without any regard of pledge, to play the traitors against your majesty at their pleasure. For when they neither fear God, nor be careful of their duty towards your majesty, nor fear your force to reform them, your majesty may be assured, it is not their pledges that can hold them in obedience. Your majesty, therefore, may (in my opinion) do well to let no such demand be made of them, but when they shall give cause of offence, let them be thoroughly followed with your forces, and plagued in such sort, as may make them afraid to offend you. For the less your majesty shall esteem them, the more obedient you shall have them; and by this course your majesty shall save a great deal of charge for the diet of such as they put in for pledge.

And where there was a credible report made, that the Earl of Tyrone came in to the now lord deputy, without pardon or protection; I assure myself, your majesty shall find he came in upon the credit of your state, although in policy he might be willed to give out otherwise, and no doubt, but such as have

often mistaken his actions, and intents, would make an open demand of him, how? and he perhaps answer them, without protection; and upon this his answer, they might be very importunate with the lord and the council, that he might be detained for great matters of treason, wherewith they had to charge him, which demand of theirs, being refused, it is not unlike but they would either write to your majesty, or to their friends here, to inform your majesty how provident they were to have him safe kept, and yet their cares and offers were neglected.

Let those devices of theirs take effect, or otherwise, to have him cut off, your majesty's whole kingdom there would moan it most pitifully; for there was never man bred in those parts, who hath done your majesty greater service than he, with often loss of his blood upon notable enemies of your majesty's; yea, more often than all the other nobles of Ireland. And what quietness your majesty had these many years past in the northern parts of that kingdom, it's neither your forces there placed, (which have been but small) nor their great service who commanded them, but only the honest disposition and carriage of the earl, hath made them obedient in those parts to your majesty. And what pity it is that a man of his worth and worthiness shall be thus dealt withal by his adversaries (who are men who have had great places of commandment) and neither they, nor their friends for them, are able to set down they ever did your majesty one good day's service, I humbly leave to your majesty.

If he were so bad as they would fain enforce (as many as know him and the strength of his country, will witness thus much with me) he might very easily cut off many of your majesty's forces which are laid in garrisons in small troops, in divers parts bordering upon his country; yea, and overrun all your English pale, to the utter ruin thereof; yea, and camp as long as should please him even under the walls of Dublin, for any strength your majesty yet hath in that kingdom to remove him.

These things being considered, and how unwilling he is (upon my knowledge) to be otherwise towards your majesty than he ought, let him (if it so please your highness) be somewhat hearkened unto, and recovered (if it may be) to come in unto your majesty to impart his own griefs, which no doubt he will do, if he will like his security. And then, I am persuaded, he will simply acknowledge to your majesty how far he hath offended you; and besides (notwithstanding his protection) he will, if it so stand with your majesty's pleasure, offer himself to the marshal (who hath been the chiefest instrument against him) to prove with his sword, that he hath most wrongfully accused him. And because it is no conquest for him to overthrow a man ever held in the world to be of most cowardly behaviour, he will, in defence of his innocency, allow his adversary to come armed against

against him naked, to encourage him the rather to accept of his challenge.

I am bold to say thus much for the earl, because I know his valour, and am persuaded he will perform it; and what I have spoken of him, over and above this, these reasons have led me to it.

Being often his bedfellow, he hath divers times bemoaned himself, with tears in his eyes, saying if he knew any way in the world to behave himself (otherwise than he hath done) to procure your majesty's assured good opinion of him, he would not spare (if it pleased you to command him) to offer himself to serve your highness in any part of the world against your enemies, though he were sure to lose his life.

And as he hath in private thus bemoaned himself unto me, so are there many eye-witnesses here in your highness's court, who have seen him do no less openly; which tears have neither proceeded from dissimulation, nor of a childish disposition, (for all who know him will acquit him thereof) but of meer zeal unto your highness, and grief and fear to lose your favour, whom he desireth with life, and all he hath, most dutifully and loyally to serve.

Whereas I have taken upon me to nominate certain gentlemen as fittest to be employed in the above-mentioned services in those remote places, I know there will be great exceptions against them, because they are thought to be too near friends to the earl. But I will prove, that none can ever do your majesty such good service there, as they who have been always trained up in those parts in service, and are best acquainted with the earl, and the other lords of those countries. And I am of opinion, if it were demanded of the earl and the rest, they had rather have strangers placed in those places, than those gentlemen of their acquaintance: because these, in any outrages in these countries, dare trust the earl with themselves and their small troops, to be aided by him, whereof they should not fail; when strangers would be loth, and fear so to do: for their trust will procure the earl and his followers to undertake and perform with them whatsoever they shall require for your majesty's service.

And what is it to your majesty, to lay upon the earl the trust and credit of settling your majesty's forces in those parts, and to give him your majesty's free protection to come in, without fear, from time to time, to answer to any thing that shall be objected against him, and to retire home again? And if it shall at any time happen that he shall so offend, as to deserve punishment, then your majesty is to prepare your princely forces, and make royal war upon him, letting him sharply taste what it is to offend so gracious and great a prince.

And likewise, the rest of the lords of those countries are (upon the receiving in of your majesty's garrisons, and paying the duties and compositions before specified) to have the like measure afforded them.

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I am the bolder, most gracious sovereign, to set down this my opinion for managing those remote places, and preventing these present expected troubles; because I have been an eye-witness of a needless and a chargeable war held against one of the lords of the north, namely, Surleboy, a Scot, which war ended not by your majesty's forces, but by the loss of that rebel's chief instrument, his son Alexander; yet were the said traytors intreated to accept of their pardon, and had more bestowed upon them for playing the traytors, than they demanded before. And my fear is (if this expected fury shall follow to be wars) it will fall out to the like or a worse issue; for he who doth now oppose himself against the earl, was the chief commander then, and did most dishonourably perform it, as shall be apparently proved, when it shall please your majesty to appoint.

I have heard, many think much that the earl performed not his promise with the now lord deputy, but they little consider what slender encouragement he had given him at his coming in to do it. If he found, as like he did, in what great peril he was to be detained, as, notwithstanding the assurance whereupon he came in, if his adversaries credit would have place, he had been restrained. There was no likelihood of his performance of any thing he then undertook, because he saw himself in so great peril, neither is it like he will hereafter hazard the like. But if his promise be expected to be performed, then, I think, he desireth good assurance, first, of his own safety, whereupon there may be hope he will effect all promises, good offices, and services, for the good of that poor kingdom; and till then there is nothing to be expected from him but doubt, and preparation to defend himself, and offend greatly.

When your majesty's garrison soldiers were first planted in the county of Monaghan, there was great service offered to Sir William Fitzwilliam by Sir Henry Duke, for his sitting down at the abby of Cloonis (whereof he is farmer) with his own company of light foot, and fifty of your highness's garrison soldiers, and to have discharged your majesty of all manner of victualling charge, only to have been monthly fully paid their entertainment; and at that time there were at the same abby good and defensible buildings to succour your majesty's garrison, which are defaced and pulled down by the traytors, for fear they should serve for that purpose. If this offer had then been accepted, it had greatly furthered your majesty's service now, and peradventure had prevented, or at least hindered the troubles now expected, because it is so near upon Maguire's country, and the stay of his passage to the English pale.

Notwithstanding it much imported that this service should have been hearkened unto, yet Sir William Fitzwilliam his malice at that time was so extreme against Sir Henry Duke, who no doubt would have performed it as effectually as he offered it, as

he utterly rejected it ; even as he did the like and many greater services, offered by other your majesty's good servitors there.

His greedy desire at that time, in respect of his own gain, made him careless of these offers, and of those good servitors, who would freely offer themselves ; he esteemed best of the baser sort, as of one Willis, and such as he was, whom he made captains and officers in the Irish countries, who with their great troops of base rascals, behaved themselves so disorderly, as made the whole country to rise in an uproar, and to drive them out, which advantage given by those bad and lewd fellows to the ill-disposed Irishery, hath emboldened them ever since to stand in no fear or subjection of your highness's state, or forces there. These, and many the like services, as bad or worse, did Sir William Fitzwilliam, whilst he had authority in that place.

Although many needless journies were made by Sir William Fitzwilliam, which were both chargeable to your majesty, and troublesome to your poor subjects, yet was there one into the province of Conaught, which was very necessary, and grounded upon probable reason, determined for the cutting off and utter banishing of the traytor O'Rourke, and all his confederates ; which service could not be performed without the assistance of the Earl of Tyrone, who was sent unto before the journey was undertaken. The messenger was one belonging to your highness's council there, a friend of Sir William Fitzwilliam, and one well-affected by the earl, who declared to him the cause of his coming down, to be for preparation against O'Rourke, and what the lord deputy's demand was, that the earl should perform therein. The earl most honourably (as he had often times before) undertook to perform as much as the lord deputy then required, returning the said messenger very well satisfied ; for he sent the lord deputy word, he would be ready to attend the service with one thousand men at the place appointed, and more he would have brought, if he had more time, or sooner warning. The place to him assigned was on the border of Tyrconnel, on that side of Lougherne towards Conaught, there to stop the passage, that O'Rourke with his companies and creatures should not that way escape into those parts, which he well liked of, and promised so to do, adding further (if it pleased the lord deputy to command him) he would break a ferry with his forces into O'Rourke's country, and either drive him out of it, or deprive him of life, and prey his whole country, and do great service upon all O'Rourke's adherents. This answer of the earl's seemed to satisfy the lord deputy very well, who prepared your majesty's forces forthwith, and sent word to the earl to be in readiness upon six days warning.

The lord deputy took with him all your highness's garrison, the raising out of the pale as many as he thought fit, and went onward his journey, giving out (because the rebels should

should not suspect) that it was only to see sessions and assizes duly kept in Conaught, and sat in divers places accordingly, insomuch as at length he came to Sligo, which joins upon O'Rourke's country, where he abode four or five days with all his forces, being sufficient to execute upon O'Rourke, and the other traytors, as much as he had before determined; the earl all this while expecting when he should be called to that pretended service, kept all his forces ready together for the purpose, which was no small charge for him. But as it fell out afterwards, Sir William (as it seemed) had no such intention: for upon a sudden he departed from Sligo, journeying quite cross the whole province of Limerick, leaving O'Rourke's country at his back, doing no service, but charging the poor country (whereof as then it had little need) imposing the performance of all this expected stratagem on Sir Richard Bingham, with some of the garrison to assist him, who most honourably and painfully prosecuted the said proud traytor upon his feet, to the great endangering of his life by the disease of the country, which caught him in the pursuit of that traytor, whom he then drave out of his country, by which means he was afterwards sent to have his deserts here in England. Which exploit (if it had been performed as it was plotted by Sir William Fitzwilliam) O'Rourke had perished there, and all those traytors which are now assistants to his son, had then been cut off.

And if it shall seem to your majesty, that the time will be over-long to have all these (and those other notes by me before delivered to your majesty) tried by commission, it may please your majesty to let him presently be called before your honourable council here, to see how he can answer, first, the leaving off of this so great and necessary a service by himself complotted; secondly, why he placed not your highness's garrison (lying then idle, and doing no service) in Tyrconnel for the respects aforementioned; and thirdly, why he refused the many great offers of those your well known and experienced servitors there, which was to do several services, and put your majesty to no charge for the effecting of them; and to make choice of such base men as Conell, Fuller, and Willis, whose behaviour I have partly touched before, being such as a well advised captain of that kingdom would not admit into any office in his company.

His answering in these three points, and as many of the rest as shall please your majesty, will, I don't doubt, be so gross, as your majesty and honourable privy council may the more easily judge of the rest. It may be, most gracious sovereign, that he will frame answers to all objections, or else be persuaded by some of his friends, not to esteem them worth answering, in respect of the inequality of my estate to his, chiefly for the place which he held. For this I appeal to your majesty, how much it importeth. And I do further affirm, that until he can disprove

disprove these my allegations, or some of them, I ought to be credited as well or better than he ; because he hath avouched to your highness's most honourable council monstrous and apparent untruth, which I can as well prove as any of these aforesaid articles, namely, about the buying and getting of imprest bills into his hands, which he hath sworn and forsworn that he never did ; but for the proof hereof, if it be your highness's pleasure, that Sir Henry Wallop and his men be called, they can testify what great sums of money they had paid him for imprest bills in the time of his government, whereof most of them came to him better cheap than buying : for some were given him for cows, which he took in bribes, upon base conditions, of the Irishrie ; other for placing men in sundry offices. And he that will make no conscience to forswear such a thing before so honourable personages, is hardly to be credited in excusing greater matters.

It may be also upon demand, why he did not place your majesty's garrison soldiers in those Irish countries ? He will answer, that they could not be spared from other places ; wherein your majesty may well reprove him thus ; for those were the places where the foot bands were then bestowed ; Sir George Bourchier's at the Dington in Ophalie, Capt. St. Leger's at the fort in Lease, Capt. Dowdall's band at Youghall, fifty of Sir Henry Wallop's band at Eniskorthy, the marshal's company at Newry. And in all those places there was no need of garrison, because there were no enemies out to do service upon, but they might very well have been bestowed in other places, as some of them are now, when it is too late.

And for the fifty soldiers under my charge, they did your majesty as little service in all the time of his government, as the rest, although they lie in a place of great service, which is at Knockfergus ; he having appointed such base commanders over them to direct them, as deserved not the pay of one of the soldiers. And although it was your majesty's pleasure that I should command them, as captain over them ; and notwithstanding that I often made petition to him, and used all the means I could besides, to go down to my company, and to have that authority he gave to others, undertaking to do your majesty great service in that place, yet did he, (for what cause I know not) utterly refuse to grant my request ; as he rejected many other great services by me offered unto him, holding me, to my great charge, to live upon the borders of Feagh M'Hugh's country, where I was fain to retain many men upon my own purse, to defend myself, and do your majesty some service upon those traitors ; whereby, though it were to my cost, I took many notable rebels, who were commanders of men, and brought them in to abide the censure of your majesty's laws, which cut them off. For these, and many other services done in his time, he rewarded me with all hindrance

rance that ever he could do me, not only by his authority and power, but by obscuring my deserts.

As it is the custom and manner, most gracious soveraign, of some to darken and disgrace the deeds of the well-deserving, thereby to countenance and grace their own favourites, though they merit nothing; which manifestly appeareth in the plotting down of that service done upon that traitor Maguire the last year, which, as I understand (by Sir George Carew) was first delivered to my lord treasurer, and by his lordship shewed unto your majesty, wherein Capt. Dowdall is portrayed on foot, wading the ford in the fore front, arm and arm with myself, which is most untrue, as one Sadler, who was then his ensign-bearer, and divers other gentlemen, and others of credit, who are now in your majesty's court can testify; for he came not in the ford at all to wet his foot, but forsook his place, both he and his lieutenant behaving themselves, as in my other notes I have declared to your highness already. But when he saw the rebels defeated off their place, and driven to flight, then he came over the ford upon his horse, and so on horseback offered to lead the battle, which he ought to have done on foot, having no reason to ride, except he meant (if the enemy should make head again) to shift for himself. These and the like untruths (as the case now standeth) serve to grace such servitors, and to obscure, and hinder the merits of such as deserve well. Although it would be too tedious to your majesty to hear of all the needless journeys made by Sir William Fitzwilliams in the time of his government, yet can I not omit (besides that one before rehearsed) his last journey into the county of Cavan, by the which your majesty may judge of all the rest.

Within short time after the overthrow to that traitor Maguire, wherein your majesty's soldiers were worn out, of all manner of reparations, he sent for them to meet him one hundred miles from their garrison places, which was at the Cavan. The time limited for their repair was but short, yet came they thither the day appointed. He carried with him many horsemen through the English pale, to the great prejudice and impoverishment of the same, by reason of his many needless journeys before. And he ought in conscience at that time have forborne coming into the county of the Cavan, because it was charged with 200 soldiers, which were newly erected for the service against Maguire, and paid only by the inhabitants of that country; yet nevertheless he made his journey thither, and there remained many days, to the great charge of that poor country, having no other cause but only to see a boat launched; which was so needless a journey undertaken and performed, that many a gentleman then under his command might (with his men) as well have effected, as it was by his presence; which course if he had taken, it had saved the great charge whereat your majesty then was, the extream
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and needles labour of your poor soldiers, and given the poor people of that country no cause of exclamation, who came before him in great troops with their plow-irons in their hands, ringing them together with pitiful moans, saying they were undone by his coming amongst them, because they were not able to bear the soldiers already put upon their charge. But so little was he moved with this their complaint, that he assailed them with more soldiers, horsemen and boys. In his return towards Dublin, he was met by many of the said poor country people with the like lamentable outcry, which he regarded as much as the former.

He commanded your majesty's soldiers back again to their places of garrison, as little respecting their long journey, and the relief of their wants, as he did the poor peoples outcry whom he had oppressed. It was then near Christmas, when the soldiers to whom (against that good time) he would not allow one penny of impress, he seeing them all very poor and greatly troubled.

Moreover he was so miserable, as he refused to lend one of your majesty's captains 20*l.* to impress amongst his soldiers, he promising upon his credit, to pay the same within six days next after his coming to Dublin: such was his honourable mind, as he never respected no man's necessity in comparison of his own commodity. This needful journey, although it did not benefit him much, yet it served his turn another way; for he coming home to Dublin in the dearest time of the winter, a little before Christmas, it caused him to lie so close, and to keep so miserable a Christmas, as was never there seen in representation of the state.

As he hath had neither care nor conscience in sundry sorts, to dishonour so gracious a prince as your majesty (who did most bountifully enable him to do your majesty good and honourable service, and to spend liberally in his house) but to turn all those your majesty's bounties to his own private gain, preferring that before your majesty's service and the good of those your people; your majesty (in my opinion) being advertised by those notes by me delivered, and the same proved true, may with safe conscience benefit yourself with that which he hath dishonestly gotten both by your majesty and your highness's subjects in that poor kingdom; which example will (no doubt) cause others hereafter to prefer your majesty's service and profit before their own, and to beware of the like trespass for fear of the like justice.

It may please your majesty likewise to be advertised, that divers persons having been for their offences pardoned by your majesty, and thereby emboldened to frequent all places without fear, having been apprehended and committed straightway to prison, without any cause given (since their pardoning) whereof law might take hold; they have offered very sufficient bail which hath been refused, and they detained, because they, in times past, were bad (for which they were pardoned) or for fear they should be bad in time to come. And being thus kept severely in
prison

prison many years, they have at length made friends there, and by great sums of money here, purchased their pardon from hence, whereby they have been enlarged; now when they obtain their liberty by these money-means, and not by the justice which your majesty's laws allow them, they think themselves very hardly used, and others thereby become doubtful, and afraid to trust to their pardons; supposing, if they want such friends and such means, they should either be indirectly cut off, or else for ever kept in prison, upon suggestion or surmise. But if they might perceive, that it is not your majesty's pleasure to have them thus handled, and that none should lie in prison without receiving trial by your highness's laws, if their cause so required, or else upon good sureties to go at liberty, by either of which means, they may enjoy the benefit of your gracious laws, even as your good subjects which never offended, no doubt it would free them of great fear and suspicion, and make them more dutiful than ever they were.

There is one prisoner in the castle of Dublin, an aged and impotent gentleman, of whom (if it be your highness's good pleasure) I desire your majesty shall take notice; his name is Sir Owen Mc. Tool, one who was never traitor against your majesty, nor ever in any traiterous action, but so good a subject, and so faithful a servitor as (for his deserts) he had a pension from your majesty, whereof Sir John Perrott bereft him. This gentleman was sent for by promise and assurance from the state, that he should not be abridged of his liberty; contrary whereunto he was committed unto prison, where he hath remained these eight years; for whose enlargement all bail hath been refused, yet is the gentleman of so great years, as he is not able to go, and scarcely able to ride; for which respects and for the state's promise (methinks) he ought to find favour. Moreover he is pledge for no man; if he were, pledges profit nothing, as before I have rehearsed. He is father-in-law to the Earl of Tyrone, and if the earl recovers your majesty's favour, how highly your majesty shall honour yourself by bestowing this old gentleman's liberty upon the earl, and how much your majesty shall provoke the earl to acknowledge your highness's favour therein, your majesty may easily judge, and they who know the state of that kingdom can inform. But if the earl be not so happy as to obtain such grace at your majesty's hands, yet it may please your majesty graciously to regard the poor aged gentleman, that upon good sureties he may have his liberty; for which I know there would be five hundred pounds given, though he can by no means steed them in any bad practice against your majesty's state there, neither in body nor council, neither can his imprisonment stay any of his friends from doing evil, if they be badly disposed. If therefore your highness would be pleased to release him of your own princely motion, he putting in sufficient sureties

ties within the English pale to be ever ready within twenty days to answer to whatsoever may be objected, you shall bind him (as his bounden duty) always to pray for your highness, and mightily increase the affection of your majesty's people there.

And if he or any other, of whom such security shall be taken, shall afterwards offend as traitors, your majesty's coffers are to be enriched by the forfeitures of their sureties bonds (which are in no case to be remitted) and the traitors to be honourably cut off by your majesty's forces at your pleasure; which justice will be an example to traitors how they offend, and to their sureties how they become bound.

There have been (these many years past) divers traitors suffered, I might rather say, suborned, in all their bad and traitorous actions, who (if matters had been discreetly and uprightly handled) might either have been utterly overthrown or cut off, or else drawn to subjection and due obedience to your majesty and your laws, without any other, or more charge unto your highness, than you have been at continually; for your majesty's soldiers were not at all employed, and yet those traitors were suffered to go uncorrected for all their murders and treasons; nay more, they were suffered to use your highness unreverently, which caused your majesty's good subjects with grudge and heart's grief, oftentimes to complain.

The principal rebels and arch-traitors whom I mean, are Feagh Mc. Hugh, and the bastard Geraldines, who are by marriage linked in affinity with that grand traitor; and because I would have your majesty understand how you have been long abused by untrue informations concerning this traitor and his complices, I protest they neither are of that ability to offend, nor of that power to defend, nor so hardly to be constrained to yield their due obedience, as hath been reported; yea, and that without the employing of great troops of soldiers against them, or charging the near bordering subjects extraordinarily: for they will now with more willingness afford all their helps of provision in the traitors country, than they have done heretofore, because then they were greatly charged, and no whit defended. But if they might have such a one chosen and appointed for that service as they know would never cease until he had quite destroyed that den of mountain-thieves, the poor subjects would neither spare charge nor trouble to assist him. The means how to reform these disobedient rebels, and to perform this service are these:

First, Let no protection be granted to any, save only to such as shall come in unto him who shall be appointed to follow that service, and offer themselves to do offices against the chief traitors: which when they have performed, and that special good hath succeeded their draught, then let them have pardon for their former faults, and safe protection (without any traitorous practice

practice, which hath too commonly been used towards them) so long as they shall behave themselves as good and loyal subjects, living in duty and obedience unto your highness, your officers and laws.

And if any who be, or shall be, in authority to protect, do send for any offender upon promise that the same shall safely come and go, and then shall (contrary to that promise) take away the life of that offender, be his transgression never so heinous, let that man in authority (be he never so mighty) lose his credit in that place, and be punished to the uttermost that law will afford, for so dishonouring your majesty, when your highness's word is past: for such usage is the cause why they will not now come to the lord deputy upon protection, and much less will they trust any other, except they have had long experience of his upright and just dealing.

Furthermore, whosoever hath a country or a feignory, which your majesty hath bestowed upon him, let him be bound that all his tenants shall be answerable to your laws, or himself to satisfy all spoils and trespasses which they, or any to whom they give maintenance, shall commit against your majesty's good subjects.

I know there will be great exceptions taken against this; they affirming, that many dwell upon their lands whether they will or not: let this (if it please your highness) be no excuse, for if they know how to receive their rents and customs, let them likewise pay the spoil done to the good subjects, or bring in the offenders to answer to the law; especially if they have the commandment of any of your majesty's soldiers, by whose assistance they may enforce them to obedience.

And whosoever shall be appointed to serve upon the aforesaid traitors Feagh Mc. Hugh and his adherents, shall not need to have more than 100 foot and some 20 or 25 horse, which horsemen it were requisite (for good respects) should be strangers to that border; and with this small number may he do very great service.

But if it be objected, that this proportion of soldiers is too weak to do service against so strong a traitor, if it may please your majesty to give me the leading of these soldiers, and the credit of the service, I will either lose my life, or effect as much as I have here set down. And where I will venture my life to perform such a service as this, I trust your majesty will venture your soldiers, and give me in charge to lie upon those borders, to see your majesty's subjects live in safety, and to give those traitors, and the inhabitants of those parts to understand, that henceforth they are no more to expect protection, but to submit themselves as subjects, and so continue, or else to feel the sharp punishment due to obstinate rebels. And to such as shall submit and do service upon the rest, there is pardon to be granted, and to him who shall do the best service, shall not only be given

given pardon, but also maintenance for him to live upon. By which means I am assuredly persuaded, I shall find instruments among themselves, that shall serve effectually to cut off the rest ; so shall your highness be honourably served, and those parts of your kingdom, so near the state, be reduced to obedience, for the example of those countries which are more remote.

If this traitor Feagh Mc. Hugh should be made more strong by his friends (as I see not how they should) and that further force should be required against him, your majesty's subjects in the English pale would willingly yield to your highness 600 soldiers, horse and foot, at their own charge for six months, and longer if need required, so as they might see your majesty would once take him in hand : thus much, many of the best of them, willed me to deliver to your highness.

There is no cause, why these expected troubles in the North should hinder the present proceedings against these traitors in the south, who are persuaded they are spared but till such time as your majesty have settled the North, and then they expect to be followed by your highness's forces for their cutting off : all things therefore considered, they should not be forborne till then ; for though there be wars in the North, these in the South will offend your majesty's subjects as much as they can, and thereby keep the state the more busied and troubled. And if they happen to be over hardly distressed, then will they fly to the North, there to be safe from your majesty's forces ; which refuge, if they be once driven unto, it's great odds they shall never come back to annoy the south, which I pray God I may once see, and that some of your majesty's good subjects may dwell where that traitor Feagh Mc. Hugh's forefathers and followers have remained these 100 years, to the great dishonour of the state and hurt of the poor subject.

For the due reformation of all the disorders in that poor realm of Ireland, and the execution of what worthy action soever shall be by your majesty, and your honourable council here determined, and for recovering the honour of that state, which former governors there have lost ; your majesty, in my judgment, hath made a most excellent choice of the now lord deputy, a man accomplished with all necessary parts both in body and mind, as I doubt not but his service shall hereafter give good testimony, although he have received the sword in a far more troublesome and dangerous time than any of his late predecessors ever did. For neither the last Desmond's wars, nor those of Connor's and the Moore's, being both put together, are comparable to that which is now expected if it prove wars ; which I desire (if it be God's will and your majesty's good pleasure) may be otherwise, not for my private affection for any in the North, but for the public good which I wish to that poor kingdom.

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For the benefit whereof, and for the performance of all such honourable services as are now expedient to be done, and all the rest before in this declaration mentioned, it's your majesty, who must not only direct him, but also thoroughly enable his lordship, that he may give better encouragement to your majesty's soldiers to take pains in your highness's service, than they have had, or yet have; because they daily see that he who never served your majesty in those services, shall come to far better preferment in that place, than the best commander or serving servitor there. Besides you cannot get that done, which they do, who painfully, and faithfully serve.

What encouragement then can a man have to offer himself freely in the wars of that country, who shall neither get honour, reward nor payment for his labour? I speak by experience of myself, who (upon my credit) have not had ten crowns imprest of my own private pay, those ten years, to furnish me towards your majesty's service, when I was called upon, and yet I have made one at all times.

When such hard measure then is offered unto captains, I humbly refer to your majesty, what encouragement they can have to go to the field. Although without money or any thing else, they will do their best endeavour, with their substance, and themselves, to do your highness service; because I know (and so do all the rest) that it's not your majesty's pleasure to have them so discouraged, but the fault is in them who have been thither sent as deputies, who have preferred their own gain before your highness's honour and service, or the just rewarding of such as have most truly and painfully served: and for that they would please such cowardly captains, as were their instruments to bring them in cows, to convert into angels, to cram their greedy purses; whom I have a better will particularly to name, than thus generally to write of, if I were persuaded, your highness would thereupon discard them: and I know they would not challenge me, because I do them no wrong.

To encourage therefore your majesty's soldiers, and to furnish the lord deputy against all accidents that may happen, if it may please your majesty, that all the treasure which is sent over into that realm at sundry times, may be entirely sent at one time, with commandment, that your majesty's whole garrison may be fully paid every month, your majesty should be most honourably served, and the soldiers well contented, and the subjects not occasioned to exclaim for want of payment for the soldiers diet, when both captains and soldiers should have in their purses to satisfy that, and to furnish themselves with all other necessities.

For notwithstanding your highness's garrison hath been so slenderly paid these many years, your majesty hath not saved any thing thereby, but it hath enriched a sort of base clerks, and beggarly merchants, who will not credit a captain now for a groat upon

upon his bill; but all the commodity goeth to the lord deputy, the clerks and the merchants, so as the captain, to furnish his company, can get no money unless he will give 400 for 200 or 200 for 100, and after the like rate; and in this prowling manner your soldiers are paid.

Forasmuch as your majesty doth pay all in the end, you may (if it be your highness's pleasure) as well benefit your captains, and soldiers as other men's clerks, by sending an overplus of treasure to the lord deputy, to pay the old debt due only to captains, and soldiers, which few thousands will discharge; except it be one man, unto whom your majesty oweth five or six thousand pounds, which (if it be your highness's pleasure) may with safe conscience be detained in your hands, because he hath so ill deserved, through the dishonouring your majesty in the place wherein he serveth.

And now (most gracious sovereign) for that (as I have heard) it hath been credibly reported to your majesty, that the last Desmond's wars did cost but 40,000 pounds, thereby the rather to induce your highness to make wars upon the north, I have thought it my duty (under your majesty's protection) to set down the truth thereof, whereby it may the more easily be judged what the charge of these expected northern troubles may stand your highness in, by comparing the said Desmond's wars and these together.

The charge of those wars to your majesty was high, notwithstanding the great supplies then had of your subjects, and the great succour and assistance of sundry castles and good towns, which held firm and faithful to your majesty to receive and aid your soldiers upon all extremes; which towns and castles stood in most commodious places, not only to annoy, but utterly, in a manner, to overthrow the traitor, and all his co-partners. And where it cost your majesty then one pound, it cost your subjects three, during all the time of those wars, which charge of your subjects I can well make out; for the chief lord of one small village, who had but eight pounds yearly rent for the same village, paid for one year's cess to your highness's soldiers thirty-eight pounds sterling, whereof I was also an eye-witness. These wars I say did stand your majesty in four thousand pounds at the least, for the monthly charge was 7000*l.* besides the victualling by sea. And yet after all this, your majesty afforded pardon to the basest rebel who then took arms against you, who yet liveth in view of your state.

The cause of those Desmond's wars, was even like to this in the north, through the great mistaking of the Desmond's adversaries; and that it cost your majesty no less than I do here set down, Sir Henry Wallop can well testify.

Moreover, there are no helps to be hoped for in the north, either of castles or towns, wherein to garrison, or once lodge your
VOL. II. Y majesty's

majesty's soldiers, for the following and suppressing of those traitors; for those parts are merely void of such refuge. Again, all the friends to your highness in those countries are but two, O'Hanlon and Maginnes, and they uncertain, as your majesty may thus judge: for O'Hanlon is married to the Earl of Tyrone's sister, and merely enriched by the earl; Maginnes his eldest son is to marry the earl's daughter. And this affinity, in the manner of the Irish, is always to the party they see strongest; and when your majesty (as there is no doubt) shall prevail, they will then seek favour and make offer of much service, but seldom or never perform any; whereof myself have been too often a witness. These things considered, it may please your majesty, and honourable council, to be rightly and thoroughly advertised, before there be wars made in the north parts, whatsoever by sinister informations may be suggested to the contrary.

For it is not the north only your majesty shall now have to deal withal, but your highness's whole province of Conaught shall be in great peril of losing, except Sir Richard Bingham be more strongly enabled or assisted than he is now, trusting to only one band of 100 foot and 50 horse, wherewith I confess he hath done great service. Knockfergus, and the Clanboyas, which are now garrisoned only with 100 foot and 25 horse (who have done your majesty no service by reason of such bad commanders as have been appointed over them) cannot but be lost without a very great garrison, and exceeding great charge; so that your highness's realm of Ireland being now (as it were) divided into four parts, viz. Leinster, Munster, Conaught and Ulster, will be in very great danger to be half lost; for Ulster, is the earl's already: and in Conaught there are divers who have been traitors not long since (and yet scarce good subjects) who watch but such an opportunity. And in Leinster there are many, who now stir not, who will then arise in arms, namely, the Birns, the Tools, the Moores, the Connors, and the Cavanaughs; and many other as false traitors as those, who (if they once perceive troubles to increase in the north) will seek to molest and offend the English pale, as they have done in times past.

And one special matter more is to be thought upon, where your majesty, in all the wars of Shane O'Neale, had Tyrconnel faithful and ready to do your highness service, and to assist your soldiers, giving the traitor many overthrows (being then an utter enemy to all the Neals); now it's not so, for O'Donnel is married to the earl of Tyrone's daughter, and is thereby so linked to him, that no place of succour is left to your majesty's forces in all the north; for Sir John O'Dogherty (who was well affected to your majesty's service) is now in hold under O'Donnel, so as no aid is to be expected from him. This poor gentleman hath been hardly used on both sides; first, by Sir William Fitzwilliams, who imprisoned him, in hope to have had of him
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some Spanish gold; and now by O'Donnel, because he shall not in these troubles annoy him.

To write of all other particularities belonging to the north, would be over-tedious. To conclude therefore (with your majesty's pardon) there are but two ways, either to accept of their own offers of submission and contribution, for defraying of the charge, in this discourse especially before mentioned, and so to place your majesty's garrisons in their countries, thereby to hold them in continual obedience to your highness's profit, or else to make royal war upon them, and so utterly to overthrow and root them up, through all the whole north of that kingdom, and plant others in their room or places. I may in no wise omit humbly to acquaint your majesty, what great hinderance unto your present service the stay of Sir Robert Gardiner his coming over is like to be, because that he can best truly report to your highness the state of Ireland, who (as he was specially chosen by your majesty to be a chief instrument for the good of that poor kingdom, where he ever did, and doth minister such upright justice, as is void of bribery, affection, intreaty of friends, or fear of authority to over-rule him, thereby to do any thing unfit for a man of his place) can very hardly be spared from thence; yet, as the necessity of this time importeth, it were (under pardon) most meet he were sent for with all speed; for that (as he can) so he will, without fear of any, inform your majesty truly how the state of that your kingdom now standeth, and shew good means how to stay this expected present fury, that is like to happen, to the utter ruin and cutting off many of your majesty's subjects, and the exceeding expence of your highness's treasure. There will be (no doubt) many reasons alledged to your majesty to stay him there, but I humbly beseech your highness not to hearken to them, for the authors of these troubles are afraid of his coming hither. But his instant repair over, will more avail him than his stay there, although it's well known he doth (as far as his authority extendeth) afford the people justice, without begging it or buying it, which hath been too often bought and sold there. And your majesty may at your pleasure return him hither again when he hath done exceeding good service there: although I fear he will be loath (if either his own credit or friends may prevail) to go back thither any more, because he seeth he is not able to do your majesty such good service as he would and might, if he were more strongly assisted; moreover good deserts there, procure scarce good opinion, or friends here.

What mean I to say thus much, when it is not to be amended? nay what pity it is that so gracious a prince, as is your majesty, cannot help it! For these many years past your poor subjects have been crying out for justice, and could never get it; besides it's grown to such gain by corruption, that unless

your majesty vouchsafe to take it upon yourself, or make special choice of some of your honourable council here to look into it, it will not be holden; for if it be referred (as it hath been) there will be such shuffling, and so much time spent, to save the credit of some one, that thousands of your majesty's good subjects shall perish the while. And the rather, because advice is chiefly required of him, who is causer of all those troubles; and that your majesty may the better judge what good can follow by his directions, let him set down what service he did you when he had the whole authority in his own hands, whereby your highness may discern the rest. I know (and thereon dare pawn my life) he cannot prove any one honourable or profitable service he did your majesty therein, at the time of his government.

Opinion is likewise required of some other counsellors now here, who can say as little of those northern parts, as he who was never there.

This being most true, let not (I humbly beseech your majesty) your poor realm of Ireland be trusting to the advice of such blind advisers: but vouchsafe your highness to be advised by those who know your service there, by their own experience, and eye-witness of that whereof they shall yield their opinion; and no one (of a counsellor) can do it better than Sir Robert Gardiner, because his circuit is northward, whereby he doth hear the griefs and discontentments of those people.

Moreover I most humbly beseech your majesty to be no longer abused by lip-labour, and paper and ink; which have, these many years, gone for current payment, instead of good service; and in show of discovering great and weighty causes, when in truth, they seldom tend to any such purpose; but seeing your majesty doth pay them so well, it may please you to require better service at their hands, whom your highness doth there put in trust.

If I have, in these my plain and simple discourses, offended your majesty any way, I most humbly ask pardon for the same.

As the physician cannot cure the disease of his patient, until he both know and take away the cause thereof, so neither are the calamities of your majesty's kingdom of Ireland to be remedied, until your majesty be both rightly advertised of the same, and put in practice the redress of the great abuses there; which can't be better done (in my simple skill) than by making an example of some one who has served your majesty corruptly in that place; and the greater the personage is, the greater the justice, and the more your honour in making a precedent of such a one: for your inferior officers can punish small offenders, but it is in your majesty only to correct the mighty transgressors.

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And so may your majesty (if so you will vouchsafe) look down by degrees, and in time survey your highness's captains, who serve you there; discerning, by a little observation, the good from the bad; which is easily done, if every one be called to account, what service he hath done you, what traitors he hath cut off, having full authority for it, or else how your highness's subjects have been defended by him and his soldiers. He who hath not performed one of these two, is unworthy to have command, or have pay.

Furthermore, when some experienced captain shall make offer of his best endeavours, let him (if it please your highness) be hearkened unto, and especially when it tendeth greatly to the advancement of your majesty's service, without encrease of charge. And let them not (I beseech your highness) be put off so grossly as they have been, with saying, it is too small a proportion of soldiers to perform so great a service. For that is not the cause (most dread sovereign), but this; if they should allow of those services, when they are offered, it would discover, as many think, some of their great abuses, which your majesty may perceive, when you shall see great services done with 100 where 500 have been employed, and your highness's subjects no whit the better defended.

There is no well advised captain will make offer of service, but he hopeth to perform, or lose his life; and especially when he shall not gain thereby; for his soldiers must be paid, or else they will not serve; besides he must keep them, or else he cannot effect the service undertaken, so that his only hope of gain resteth in reputation, reward, and preferment from your majesty, as he shall deserve, and not in polling and pilling the soldiers and your majesty's subjects.

These good services then being accepted, and the abuses reformed, there is no doubt but your majesty's kingdom of Ireland shall quickly flourish in true subjection and due obedience, to your majesty's honour and comfort; which I beseech the Almighty to grant and continue.

The consideration (most gracious sovereign) of my own estate, who have engaged myself and my friends very far, for means to live, and do your majesty service, hath many times (in the penning of this discourse) sought to withhold me from discovering to your highness these causes of discontentments of your poor people in that kingdom, and the bad managing of your majesty's affairs there, with the means of quieting them, of advancing your majesty's service, and advantaging your revenues, assuring myself that the doing of such an office would neither procure me any friends, nor pay any of my debts: besides it's against my profession (being a soldier) to be a penman, or so earnestly to seek for peace. Yet nevertheless, when I considered what due honour may be done unto God,
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what true service to your highness, and what good to that poor commonweal, it made me utterly neglect my own fortune, and respect of my private benefit, and emboldened me to discharge my duty to God and your majesty, and disclose my zeal for benefiting that poor realm. And if these my labours shall be rightly conceived of by your majesty, and your most honourable council, I shall think my time happily spent, and enjoy as much as I desire.

And thus, most humbly beseeching pardon for this my bold and rude discourse, and praying on my knees to Almighty God, the director of all princes hearts, that it may please him to move your majesty's mind duly to consider of the premises, and pitifully to regard the present state of that your poor kingdom, and beseeching him to bless your highness with all honour, health, and princely happiness, long to reign over us, I most humbly conclude with this my petition.

I humbly beseech your majesty, if it be your gracious pleasure to accept the Earl of Tyrone into your highness's protection, that he may safely come in unto your majesty, or to your lord deputy, and hither at your pleasure, that I may be the messenger; because at my coming over he reposed great trust in me, to deliver unto your majesty those things, wherewith he found himself grieved, wherein I doubt not but to do your highness acceptable service, by reason of the poor credit I have with him. But if your majesty be minded to deal otherwise with him (because it hath been reported by those who are adversaries both to him and me, that I am a great friend unto him) to show what manner of love mine is towards him, there is none of them, nor any other, who shall do greater service than I will, if it please your majesty to command me, and enable me fit for it; if not, my service and myself, rest at your highness's command to be disposed, as it shall please you, for whom, as is my bounden duty, I will daily pray, &c.

Your majesty's faithful

and obedient servant,

THO. LEE.

NUMB.

N U M B. II.

[From Desid. Curios. Hibern.]

Remonstrance of divers Lords of the Pale to the King, concerning the Irish Parliament in 1613.

[See Review, p. 93, vol. i.]

MAY it please your majesty, such is the excessive grief and anxiety of mind and conscience, which we, the nobility of this your highness's kingdom, whose names are here under-written, do conceive, by the more preposterous courses holden in parliament, as we must be enforced, before we descend further, most humbly with tears, to implore your gracious favour, that if the due regard of your majesty's sacred honour, the careful consideration of the good peace and tranquillity of this your realm and country, the tender and feeling respect of our bounden and obliged duty to both, do carry us in aught beyond the limits of a well-tempered moderation, your highness will be graciously pleased to pardon our excess herein, so far as *pius dolor* and *justa iracundia*, do in themselves deserve. It would far pass the compass of a letter, if we should insist to particularise the manifest, old, precedent disorders, and such as still do accompany this intended action; only your highness shall understand, that many knights from counties, and citizens and burgessees from cities and towns, have, contrary to the true election, been returned; and in some places force, and in many others fraud, deceit, and indirect means have been used for effecting of this so lawless a course of proceeding. Neither can we but make known unto your majesty, that under pretence of erecting towns in places of the new plantation, more corporations have been made since the beginning of last month, or a little more, than are returned out of the whole kingdom; besides, the number whereof (as we conceive it) contrary to your highness's intended purpose, are dispersed throughout all parts of this kingdom; and that in divers places, where there be good ancient boroughs, and not allowed to send burgessees to the parliament; and yet these new created corporations, for the most part are so miserable and beggarly poor, as their *tuguria* cannot otherwise be holden or denied than as *tituli sine re, et figmenta in rebus*; for divers of which (their extreme poverty being not able to defray the charges of burgessees, nor the places themselves to afford any one man fit to present himself in the poorest society of men) and for others, we must confess, that some of great fashion have not stucked to abase themselves to be returned: the lord deputy's servants, attornies, and clerks, resident only
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in the city of Dublin, most of them having never seen or known the places for which they were returned, and others of contemptible life and carriage. And what outrageous violence was offered yesterday to a grave gentleman, whom men of all sorts that know him, do and will confess to be both learned, grave, and discreet, free from all touch and imputation, and whom those of the lower house, to whom no exceptions could be taken, had chosen to be their speaker, we leave, for avoiding tediousness to your highness, to their own further declaration. And forasmuch as, most renowned and dread sovereign, we cannot in any due proportion of reason expect redress in these our distressed calamities, where many of those who represent the body of your estate were the chief authors of them, upon the knees of our loyal and submissive hearts, we humbly pray, that it would please your majesty to admit some of us to the access of your royal presence; where, if we fail in the least point of these our assertions, and declarations of other evils, which do multiply in this estate, we willingly submit ourselves to any punishment, as deserved, which it shall please your highness to lay and inflict upon us. For we are those, by the effusion of whose ancestors blood, the foundation of that empire, which we acknowledge your highness by the laws of God and man to have over this kingdom and people, was first laid, and in many succeeding ages preserved. To us it properly appertaineth, both in the obligation of public duty and private interest, to heed the good thereof, who never laid the foundation of our hopes upon the disturbance of it, garboils and dissensions being the downfall of our estate, as some of us now living can witness; and therefore, we cannot, but out of the consideration of our bounden duty and allegiance, make known unto your highness the general discontent which those strange, unlooked for, and never heard of courses particularly have bred; whereof, if the rebellious and discontented of this nation abroad do take advantage, and procure the evil-affected at home, which are numbers, by reason of that already settled, and intended plantation, in any hostile fashion to set disorders on foot, and labour some underhand relief from any prince or estate abroad, who peradventure might be inveigled, and drawn to commiserate their pretended distresses and oppressions; however, we are assured the prowess and power of your majesty in the end will bring the authors thereof to ruin and confusion; yet it may be attended with the effusion of much blood, exhausting of masses of treasure, the exposing of us, and others your highness's well-affected subjects, to the hazard of poverty, whereof the memory is very lively and fresh among us; and finally, to the laying open of the whole commonalty to the inundation of all miseries and calamities, which garboils, civil war, and dissensions do breed and draw with them, in a rent and torn estate.

For

For preventing whereof, we nothing doubt but your majesty will give redress, by the equal balance of your highness's justice, which we beseech the Almighty, with your royal person, ever to maintain and preserve,

Your majesty's most faithful subjects,

David Buttevant.	Killine.	James Dunboyne.
Gormanston.	Delvin.	Matthew Louth.
Da. Roche, Fermoy.	Christopher Slane.	Thomas Cahyr.
Montgarret.	Robert Trymbleston.	

May 19, 1613.

N U M B. III.

[From Desiderat. Curios. Hibern.]

To the Right Honourable the Lords of his Majesty's Most Honourable Privy Council.

The humble Petition of the Knights, Citizens and Burgessees of the Counties, Cities, and ancient Boroughs of Ireland.

[See Review, p. 93, vol. i.]

MOST humbly declaring to your lordships, that the assurance of his majesty's most princely inviolable justice, whereof your lordships, in matters of state and government, are the high and supreme distributors, doth embolden us, in our oppressions, to address these our submissive lines to your honours; wherein our purpose is, not to be pleaders, the strangeness of our extremities finding no fit words to express them; and therefore, in declaration of the naked truth, your lordships shall understand that we, the knights, citizens, and burgessees of the counties, cities, and ancient boroughs of this realm, coming, according to our bounden duties, into the parliament house, we find there fourteen counsellors of state, three of the judges, having before received writs to appear in the higher house, all his majesty's council at law; and the rest of the number, for the most part, consisting of attornies, clerks in courts, of the lord deputy's retinue, and others his household-servants, with some lately come out of England, having no abiding here; and all these, save very few, were returned from the new corporations erected, to the number of forty or thereabouts, not only in places of the new plantation, but also in other provinces, where there be corporations of antiquity; few or none of them having been ever resident, and most of them having never seen these places: the rest, who possessed the rooms of knights of shires, save four or six, came in by practice, and dishonest devices, whereunto

unto themselves were not strangers ; and some there were from ancient boroughs, who intruded themselves into their places, by as undue and unlawful means ; as the knights and burgeses duly elected were ready at the parliament door to prove and avouch. For redress whereof, we of the ancient shires, cities, and towns, to whom no exceptions could be taken, being desirous to take the usual and accustomed course, what outrageous violence ensued, by the fury of some there, we humbly leave to your lordships to be informed by our declarations ; whereunto a schedule, by direction of my lord deputy, subscribed with our hands, is annexed. And forasmuch, right honourable, as the strangeness of these proceedings, in a christian commonwealth is such, as we think his majesty, and your lordships will hardly be induced to believe ; they being, in the likelihood of impossibility, equal to that of Messalino unto the emperor Claudius in ancient Rome ; or to any other accident, how rare soever, transmitted to posterity in modern or ancient shires, we humbly pray, that your lordships, in commiseration of our distress, will be a mean to his highness, that some of us, with some of our nobility, may be licensed to present ourselves there, for the proof of our assertions ; wherein if we fail in any one point, we utterly renounce all favour ; and that in the mean time his majesty will be pleased to suspend his gracious judgment, in the apprehension of what to our prejudice may be informed here ; those from whom his highness doth usually receive information, being the authors of the carriage of what is done amiss.

NUMB. IV.

[From Desiderat. Curios. Hibern.]

Abstract of the Report and Return of Commissioners sent by the King to Ireland, to enquire into the Grievances and Complaints of the Irish, in 1613.

[See Review, p. 105, vol. i.]

UPON our arrival in Dublin the 11th of September, we caused his majesty's commission and instructions to be inrolled, and presently directed our letters to the governors of Munster and Conaught, as also to divers lords, archbishops, and bishops, and to several of the sheriffs of counties, and others, concerning the articles of the said instructions, whereby our arrival, and the cause of our employment were made known to the people in most parts of the kingdom. Yet during the space of one month at the least, after our landing, no one petition was exhibited to us complaining of any grievances. Nevertheless

theless afterwards, upon the coming over of the lord Killeene and Sir Christopher Plunket, two of the late petitioners to his majesty, they exhibited unto us particular instances of oppression and exactions by soldiers, provost-marshal, and some others, specially those that reside nearest the state; out of which particulars, being many, we selected three-score or thereabouts, as meetest to be examined; whereby we might discern, what were the several kinds of the soldiers oppressions towards the people; for proof of which selected articles, divers days were assigned to them to produce their witnesses: at which time some of the captains of horse and foot, provost-marshal, and some of their soldiers we warned to appear before us, and thereupon we proceeded in presence of the Lord Killeene and Sir Christopher Plunket, and some of the parties grieved, and we proceeded to a summary examination of those disorders; and by these examinations, and by other means, it doth appear unto us, that the soldiers, both horse and foot, have extorted upon his majesty's subjects in manner following: first, in all their journies and thoroughfares, where, by their warrant from the lord deputy, they are commanded to take meat and drink in the country, paying ready money, or giving tickets for the same; the soldiers nevertheless, for the most part, neither pay money, nor give tickets, as they ought to do; and in cases where the collectors receive tickets for the payment of the country for victualling of soldiers, they, and sometimes persons authorised by the principal gentlemen of the country, do get these tickets into their hands, and obtain payment from his majesty's treasurer, and seldom make distribution thereof to the poorer sort to whom it is due.

The soldiers, where they are cessed, do extort money from the poorer people (besides meat and drink) for every night's lodging three shillings for a horse-man, and two shillings for a foot-man, sometimes more, and sometimes less; and certain petty sums are also taken for their boys and attendants, besides victuals; and it happeneth sometimes, that the soldiers that take cesses, take money, as well for themselves as for other soldiers absent, which the country call Black-men, because they are not seen; and sometimes soldiers in pay, and others discharged out of pay, and divers vagrants in the name of soldiers, take meat and money of the people without warrant, or after the date of their warrant is expired, in extortious manner, by two or three or more in a company. And in all these cases, when the people have not money to pay them, they take divers times, forcibly, either some of their cattle, or some of their household stuff for pawns in lieu thereof, whereby breach of peace and affrays are occasioned.

Likewise the soldiers, although they be always enjoined by the lord deputy's warrant to pass to and fro the direct way in
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their journies, yet do they sometimes make a circular and long course in their thoroughfare, whereby they cefs and hurt the people, more days than is limited unto them, or is requisite for their journey.

Also the foldiers in journies, being cefsed in small numbers in villages by the collectors, according to the ability of the places, they do sometimes take money in the towns, wherein they are assigned to take their lodgings and victuals, and depart the same and lodge themselves, without warrant, near the same place, whereby the people bear a double charge.

Moreover it appeareth, that some officers of bands have taken monies of townships, to forbear to cefs upon them in their journies, and have cefsed upon the towns not far distant from thence; and these exactions are committed by foldiers in counties where the composition in lieu of cefs is paid, as in other places; wherein is to be observed, that by the tenor of the composition, the counties are to victual the foldiers in their passage at usual rates, a matter reserved for necessity of state.

The foldiers do not only commit these abuses in their thoroughfares, but when they are sent into the country upon other employments.

The provost-marshal (whereof there is one at the least in every province) has likewise certain men to attend him, who do exact victuals and money in their passage up and down the country from the people, and commit other disorders as foldiers do; which extortions have been committed by the foldiers and the rest of themselves, without any warrant at all, or connivance of any, so far as hath appeared unto us.

And notwithstanding the oppressions in these kinds are very many (as may be seen by their informations to us exhibited from divers parts of the kingdom), yet, for any thing appearing unto us, very few have complained thereof to the lord deputy; who upon their complaints, hath given order for redress of such grievances, as hath been manifested unto us.

The reasons wherefore the people pretend to have forborne to make their complaints, is the fear they have had to be worse used by the foldiers complained of at other times, and that the charges of the complaint would far have exceeded their damages and losses, although they cannot deny but the lord deputy hath given as easy access and as speedy remedy, as hath been given by former governors.

The names of some few foldiers that are offenders in these kinds, and are yet in pay, appear in our examinations, others are dead or discharged, and in many of the complaints against foldiers, their names are not known to the parties, neither have the foldiers, or others complained to us for want of pay by their captains, although some of them have been by us required publicly to deliver us their knowledge therein. . . . There be divers

vers complaints against sheriffs in general, namely, that sundry sheriffs have no freehold, or habitation, in the counties for which they serve, as they ought to have by the laws of the kingdom; also that divers of them have no settled estates of land or freehold in other places; and having gathered rents, and other duties for his majesty, they depart without passing their accounts, which appeareth to be true: and the reason thereof is affirmed to be, that in the civilest countries in the English pale, and in other counties within the kingdom, there are found very few protestants that are freeholders of quality fit to be sheriffs, and that will take the oath of supremacy, as by the laws they ought to do; and by the lord deputy's order, no sheriff is admitted till he enter into sufficient bond for answering his accounts.

It is likewise a grievance complained of, and found true, that many sheriffs, especially those of the meaner sort, do suffer their men, bailiffs, and followers to take victuals of the country for themselves without money, and sometimes both money and victuals; and that in gathering in his majesty's rents, and the fines for using the short ploughs, and other impositions, as building of bridges, and such like, they do take of the people, besides the principal duties twelve pence in the pound, and sometimes greater sums, for their private uses, for which the sheriffs give no reason, but that the same is taken towards their charges in collecting those duties, in regard of the little benefit which their office otherwise yieldeth, &c.

N U M B. V.

[From Carte's *Orm.* vol. iii.]

The Remonstrance of the Catholics of Ireland, delivered to his Majesty's Commissioners at Trym, 17th March, 1642.

[See Review, p. 279, vol. i.]

To the KING's most excellent Majestie.

Most gracious soveraigne,

WE E your majestie's most dutifull and loyall subjects, the catholiques of your highness kingdome of Ireland, being necessitated to take armes for the preservation of our religion, the mainetenance of your majestie's rights and prerogatives, the naturall and just defence of our lives and estates, and the liberties of our country, have often since the beginning of these troubles attempted to present our humble complaynts unto your royall view; but we are frustrated of our hopes therein by the power
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and vigilance of our adversaries, (the now lords justices and other ministers of state in this kingdome) who by the assistance of the malignant partie in England, now in armes against your royall person, with less difficultie to attain the bad ends they proposed to themselves, of extirpating our religion and nation, have hitherto debarred us of any access to your majestie's justice, which occasioned the effusion of much innocent blood, and other mischiefs in this your kingdome, that otherwise might well bee prevented. And whereas of late notice was sent unto us of a commission granted by your majestie to the right honorable the Lord Marques of Ormond, and others, authorising them to heare what we shall say or propound, and the same to transmitt to your majestie in writeing, which your majestie's gracious and princely favour, wee finde to be accompanied with these words, viz. (albeit wee doe extreemly detest the odious rebellion which the recusants of Ireland have without ground or colour rayfed against us, our crowne and dignitie) which words wee doe in all humilitie conceive to have proceeded from the misrepresentations of our adversaries; and therefore doe protest, we have been therein maliciously traduced to your majestie, haveing never entertayned any rebellious thought against your majestie, your crowne, or dignitie; but allwayes have beene, and ever will continue, your majestie's most faithfull and loyall subjects; and doe most humbly beseech your majestie soe to owne and avowe us; and as such we present unto your majestie these ensueing grievances, and causes of the present distempers.

Imprimis, The catholiques of this kingdome, whome no reward could invite, no persecution inforce, to forsake that religion professed by them and their ancestors for thirteen hundred years, or thereabouts, are since the second yeare of the reigne of queene of Elizabeth, made incapable of places of honour or trust, in church or commonwealth; their nobles become contemptible, their gentry debarred from learning in universities, or public schools within this kingdom; their younger brothers put by all manner of imployment in their native country, and necessitated (to their great discomfort, and impoverishment of the land) to seeke education and fortune abroad; misfortunes made incident to the said catholiques of Ireland only, (their numbers, qualitie, and loyaltie considered) of all the nations of Christendome.

2. Secondly, That by this incapacitie, which in respect of their religion was imposed upon the said catholiques; men of meane condition and qualitie, for the most part were in this kingdome, imploied in places of greatest honour and trust, who being to begin a fortune, built it on the ruines of the catholique natives, att all tymes lying open to be discountenanced, and wrought uppon: and who (because they would seeme to be carefull of the government,) did, from tyme to tyme, suggest false
and

and malicious matters against them, to render them suspected and odious in England; from which ungrounded informations, and their many other ill offices, these mischiefs have befallen the catholiques of Ireland. First, the opposition given to all the graces and favours that your majestie, or your late royall father, promised, or intended to the natives of this kingdom; secondly, the procuring of false inquisitions, upon faigned titles, of their estates, against many hundred years possession, and no travers, or petition of right, admitted thereunto, and jurors denying to find such offices were censured even to publique infamie, and ruine of their estates, the findeing thereof being against their consciences, and their evidences; and nothing must stand against such offices taken of great and considerable parts of the kingdome, but letters pattents under the great seale; and if letters pattents were produced, (as in most cases they were) none must be allowed valid, nor yet sought to be legally avoyded: soe that, of late tymes, by the underhand workeing of Sir William Parsons knight, now one of the lords justices heere, and the arbitrary illegal power of the two impeached judges in parliament, and others drawn by their advise and counsell, one hundred and fifty letters pattents were avoyded in one morning; which course continued untill all the pattents of the kingdome, to a few, were by them and their associates declared void; such was the care those ministers had of your majestie's great seale, being the publique faith of the kingdome. This way of service, in shew only pretended for your majestie, proved to your disservice; and to the immoderate, and too tymely advancement of the said ministers of state, and their adherents, and nearly to the utter ruine of the said catholiques.

3. That, whereas your majestie's late royall father, king James, having a princely and fatherly care of this kingdome, was graciously pleased to graunt severall large and beneficiall commissions, under the great seale of England, and severall instructions, and letters under his privie signett, for the passing and securing of the estates of his subjects here by letters pattents under the great seale, and letters pattents accordingly were thereof passed, fynes payed, old rents increased, and new rents reserved to the crowne. And the said late king was further graciously pleased, att severall tymes, to send divers honorable persons of integritie, knowledge and experience, to examine the grievances of this kingdome, and to settle and establish a course for redress thereof. And whereas your majestie was graciously pleased, in the fourth yeare of your raigne, to vouchsafe a favourable heareing to the grievances presented unto you, by agents from this kingdome; and thereupon did graunt many graces and favours unto your subjects thereof, for securitie of their estates, and redress for remove of those heaveie pressures, under which they have long groaned; which acts of justice, and grace extended to this
people

people by your majestie, and your said royall father, did afford them great content, yett such was, and is yett, the immortall hatred of some of the said ministers of state, and especially of the said Sir William Parsons, the said impeached judges and their adherents, to any welfare and happines of this nation, and their ambition to make themselves still greater and richer, by the total ruine and extirpation of this people; that under pretence of your majestie's service, the publique faith involved in those grants was violated, and the grace and goodness intended, by two glorious kings successively, to a faithful people, made unprofitable.

4. The illegall, arbitrary, and unlawfull proceedings of the said Sir William Parsons, and one of the said impeached judges, and their adherents and instruments, in the court of wards, and the many wilfully erroneous decrees and judgments of that court, by which the heirs of catholique noblemen, and other catholiques, were most cruelly and tyrannically dealt withall, destroyed in their estates, and bred in dissolution and ignorance, their parents debts unsatisfied, their sisters and younger brothers left wholly unprovided for, the auncient and appearing tenures of mesne lords unregarded, estates valid in law, and made for valuable considerations, avoyded against law, and the whole land filled upp with the frequent swarmes of escheators, feodaries, pursuivants, and others, by authoritie of that court.

5. The said catholiques, notwithstanding the heavy pressures beforementioned, and other grievances, in part represented to your majestie by the late committees of both houses of parliament of this kingdom, (whereunto they humbly desire that relation be had, and redress obtained therein,) did readily, and without reluctance, or repineing, contribute to all the subsidies, loanes, and other extraordinary graunts made to your majestie in this kingdome, since the beginning of your raigne, amounting unto well neere one million of poundes, over and above your majestie's revenue, both certain and casuall: and although the said catholiques were in parliament, and otherwise the most forward in graunting the said summes, and did beare nyne parts of ten in the payments thereof, yett such was the power of their adversaries, and the advantage they gained by the opportunitie of their continuall address to your majestie, to increase their reputation in getting in of those moneys, and their authoritie in the distribution thereof to your majestie's greate disservice, that they assumed to themselves to be the procurers thereof, and represented the said catholiques as obstinate and refractory.

6. The army raised for your majestie's service here, at the greate charge of the kingdome, was disbanded by the pressing importunitie of the malignant partie in England, not giving way that your majestie should take advise therein with the parliament here; alledging the said army was popish, and therefore not to be

be trusted; and although the world could witness the unwarrantable and unexampled invasion made by the malignant parties of the parliament in England, upon your majesty's honour, rights, prerogatives, and principal flowers of your crown; and that the said Sir William Parsons, Sir Adam Loftus knight, your majesty's vice-treasurer of this kingdom, and others their adherents, did declare that an army of ten thousand Scots was to arrive in this kingdom, to force the said catholiques to change their religion, and that Ireland could never do well without a rebellion, to the end the remaine of the natives thereof might be extirpated; and wagers were laid at a generall assizes and publique meetings, by some of them then, and now imployed in places of greatesse profit and trust in this kingdom, that within one yeare no catholique should be left in Ireland; and that they saw the ancient and unquestionable privileges of the parliament of Ireland unjustly and against law encroached upon, by the orders, acts and proceedings of both houses of parliament in England, in sending for and questioning, to, and in, that parliament, the members of the parliament of this kingdom, sitting the parliament here; and that by speeches, and orders printed by authority of both houses in England, it was declared that Ireland was bound by the statutes made in England, if named, which is contrary to known truth, and the laws here settled for four hundred yeares, and upwards; and that the said catholiques were thoroughly informed of the protestation made by both houses of parliament of England against catholiques, and of their intentions to introduce lawes for the extirpation of catholique religion in the three kingdoms: and that they had certain notice of the bloody execution of priests there, only for being priests, and that your majesty's mercy and power could not prevail with them to save the life of one condemned priest; and that the catholiques of England being of their own flesh and blood, must suffer, or depart the land, and consequently others not of so neere a relation to them, if bound by their statutes, and within their power. These motives, although very strong and powerfull to produce apprehensions and fears in the said catholiques, did not prevail with them to take defensive armes, much less offensive; they still expecting that your majesty in your high wisdom might be able in a short tyme, to apply seasonable cures, and apt remedies unto those evils, and innovations.

7. That the committees of the lords and commons of this kingdom, having attended your majesty for the space of nyne months, your majesty was graciously pleased, notwithstanding your then weightie and urgent affairs in England and Scotland, to receive, and very often with great patience to hear their grievances, and many debates thereof at large; during which debates, the said lords justices, and some of your privy council

of this kingdome, and their adherents, by their malicious and untrue informations conveyed to some ministers of state in England, (who since are declared of the malignant partie,) and by the continuall sollicitation of others of the said privy councill, gone to England of purpose to cross and give impediment unto the justice and grace your majestie was inclined to afford to your subjects of this realme, did as much as in them lay, hinder the obtaining of any redress for the said grievances, and not prevailing therein with your majestie as they expected, have by their letters and instruments, laboured with many leading members of the parliament there, to give stopp and interruption thereunto, and likewise transmitted unto your majestie, and some of the state of England, sundery misconstructions and misrepresentations of the proceedings and actions of your parliament of this kingdome, and thereby endeavoured to possess your majestie with an evill opinion thereof; and that the said parliament had no power of judicature in capitall causes, (which is an essentiall part of parliament) thereby aymeing at the impunitie of some of them, and others, who were then impeached of high treason; and at the destruction of this parliament: but the said lords justices and privie councill, observing that no art or practice of theirs could be powerfull to withdraw your majestie's grace and good intentions from this people, and that the redress graunted of some particular grievances was to be passed as acts in parliament; the said lords justices, and their adherents, with the height of malice, envieing the good union long before settled, and continued between the members of the house of commons, and their good correspondence with the lords, left nothing unattempted, which might rayse discord, and disunion in the said house; and by some of themselves and some instruments of theirs in the said commons house, private meeteings of greate numbers of the said house were appointed, of purpose to rayse distinction of nation and religion, by meanes whereof a faction was made there, which tended much to the disquiet of the house, and disturbance of your majestie's and the publique service; and after certain knowledge that the said committees were by the water side in England, with sundry important and beneficial bills, and other graces, to be passed, as acts in that parliament; of purpose to prevent the same, the said faction, by the practice of the said lords justices, and some of the said privy councill and their adherents, in a tumultuous and disorderly manner, on the seventh day of August 1641, and on severall days before, cryed out for an adjournment of the house, and beinge over-voted by the voices of the more moderate partie, the said lords justices and their adherents told severall honourable peers, that if they did not adjourne the lords house on that day, being Saturday, that they would themselves prorogue or adjourne the parliament on the next Munday following, by meanes whereof, and of great numbers of proxies of

of noblemen, not estated, nor at any tyme resident in this kingdome, (which is destructive to the libertye and freedom of parliaments here,) the lords house was on the said seventh day of August adjourned, and the house of commons by occasion thereof, and of the faction aforesaid, adjourned soone after, by which meanes those bills and graces, according to your majestie's intention, and the great expectation and longing desires of your people, could not then pass as acts of parliament.

Within few dayes after this fatal and enforced adjournment, the said committees arrived at Dublin, with their dispatch from your majestie, and presented the same to the lords justices and council, expressing a right sence of the said adjournment, and besought their lordships, for the satisfaction of the people, to require short heads of that part of the dispatch wherein your majestie did appeare in the best manner unto your people, might be suddainely conveyed unto all the partes of the kingdome, attested by the said lords justices, to prevent despaire, or misunderstanding. This was promised to be done, and an instrument drawen, and presented unto them for this purpose, and yett, (as it seemes desireing rather to add fuell to the fire of the subjects discontents, than quench the same,) they did forbear to give any notice thereof to the people.

8. After this, certaine dangerous and pernicious petitions, contrived by the advise and counsell of the said Sir William Parsons, Sir Adam Loftus, Sir John Clotworthy, knights, Arthure Hill, Esq; and fundry others malignant partie, and signed by many thousands of the malignant partie in the citty of Dublin, in the province of Ulster, and in fundry other of the partes in this kingdome, directed to the commons house in England, were at publique assizes and other publique places made known and read, to many persons of quallitie in this kingdome, which petitions contayned matters destructive to the said catholiques, their religion, lives and estates, and were the more to be feared by reason of the active power of the said Sir John Clotworthy in the commons howse in England in opposition to your majestie, and his barbarous and inhumane expressions in that howse against catholique religion, and the professors thereof. Soone after an order conceived in the commons house of England, that no man should bowe unto the name of JESUS, (att the sacred sound whereof all knees should bend) came to the knowledge of the said catholiques, and that the said malignant partie did contrive and plott to extinguish their religion and nation. Hence it did arise that some of the said catholiques begun to consider the deplorable and desperate condition they were in, by a statute law here found among the records of this kingdome, of the second yeare of the raigne of the late queen Elizabeth (but never executed in her tyme, nor discovered till most of the members of that parliament were dead) by which no catholique of this kingdome

could enjoy his life, estate, or liberty if the said statute were executed; whereunto no impediment remayned but your majestie's prerogative and power, which were endeavoured to be clipped, or taken away, as is before rehearsed; then the plot of destruction by an army out of Scotland, and another of the malignant partie in England, must be executed; the feares of those twofold destructions, and their ardent desire to maintaine that just prerogative, which might encounter and remove it, did necessitate some catholiques in the North, about the 22d of October 1641, to take armes in maintenance of their religion, your majestie's rights, and the preservation of life, estate, and libertie; and immediately thereuppon tooke a solemn oath, and sent severall declarations to the lords justices and councill to that effect; and humbly desired they might be heard in parliament, unto the determination whereof, they were ready to submit themselves, and their demands: which declarations being received, were slighted by the said lords justices, who by the swaying part of the said councill, and by the advise of the said two impeached judges, glad of any occasion to put off the parliament, which by the former adjournment was to meete soone after, caused a proclamation to be published on the 23d of the said month of October 1641, therein accuseing all the catholiques of Ireland of disloyaltie, and thereby declareing that the parliament was prorogued untill the 26th of February following.

9. Within few dayes after the said 23d day of October 1641, many lords and other persons of ranke and qualitie, made their humble address to the said lords justices and councill, and made it evidently appeare unto them, that the said prorogation was against law, and humbly besought the parliament might sit according to the former adjournment, which was then the only expedient, to compose or remove the then growing discontents and troubles of the land; and the said lords justices, and their partie of the councill, then well knowing that the members of both houses throughout the kingdome (a few in and about Dublin only excepted,) would stay from the meeting of both houses, by reason of the said prorogation, did by proclamation two dayes before the time, give way the parliament might sitt, but so limitted, that no act of grace, or any thing else for the people's quiet or satisfaction, might be propounded or passed. And thereuppon, a few of the lords and commons appeared in the parliament house, who in their entrance at the castle-bridge and gate, and within the yard to the parliament house doore, and recess from thence, were invironed with a great number of armed men with their match lighted, and muskets presented even at the breasts of the members of both houses, none being admitted to bring one servant to attend him, or any weapon about him within the castle-bridge. Yet how thin soever the howses were, or how much overawed, they both did supplicate the lords justices

justices and counsell, that they might continue for a tyme together, and expect the coming of the rest of both howses, to the end they might quiet the troubles in full parliament, and that some acts of securitie graunted by your majestie, and transmitted under the great seale of England, might pass to settle the minds of your majestie's subjects. But to these requests, soe much conducing to your majestie's service, and settlement of your people, a flatt denyall was given; and the said lords justices and their partie of the counsell, by their workeing with their partie in both howses of parliament, being then very thyn as aforesaid, propounded an order should be conceived in parliament, that the said discontented gentlemen tooke armes in rebellious manner, which was resented much by the best affected of both howses; but being awed as aforesaid, and credibly informed, if some particular persons amongst them stood in opposition thereunto, that the said musketteeres were directed to shoote them att their goeing out of the parliament house, thorough which terror, way was given to that order.

10. Notwithstanding all the beforementioned provocations, pressures, and indignities, the farr greater, and more considerable parte of the catholiques, and all the cittyes and corporations of Ireland, and whole provinces, stood quiet in their howses; whereupon the lords justices and their adherents, well knowing that many powerfull members of the parliament of England stood in opposition to your majestie, made their application, and addrested their dispatches, full fraught with calumnies and false suggestions against the catholiques of this kingdome, and propounded unto them, to send severall great forces to conquer this kingdome; those of the malignant partie here were by them armed; the catholiques were not only denyed armes, but were disarmed, even in the citty of Dublin, which in all succeSSIONS of ages past continued as loyall to the crowne of England, as any citty or place whatsoever; all other auncient and loyall cittyes and corporatt townes of the kingdome, (by means whereof principally the kingdome was preserved in former tymes) were denyed armes for their money to defend themselves, and expresse order given by the said lords justices to disarm all catholiques in some of the said cittyes and townes: others disfurnished were inhibited to provide armes for their defence; and the said lords justices and counsell having received an order of both houses of parliament in England to publish a proclamation of pardon unto all those who were then in rebellion (as they tearmed it) in this kingdome, if they did submit by a day to be limited, the said Sir William Parsons, contrary to this order, soe wrought with his partie of the counsell, that a proclamation was published of pardon only in two countyes, and a very short day prefixed, and therein all freeholders were excepted; through which every man saw that the estates of the
catholiques

catholiques were first aymed att, and their lives next. The said lords justices and their partie haveing advanced their designe thus far, and not finding the success answerable to their desires, commanded Sir Charles Coote, Knight and Baronet deceased, to march to the county of Wickloe, where he burnt, killed, and destroyed all in his way in a most cruell manner, man, woman, and childe; persons that had not appearing wills to doe hurt, nor power to execute it. Soone after, some foote companies did march in the night by direction of the said lords justices, and their said partie, to the town of Sauntry in Fingall, three miles off Dublin; a country that neither then, nor for the space of four or five hundred yeares before, did feelee what troubles were, or war meant; but it was too sweet and too near, and therefore fitt to be forced to armes. In that towne innocent husbandmen, some of them being catholiques, and some protestants taken for catholiques, were murdered in their inn, and their heads carryed tryumphant into Dublin. Next morning, complaint being made of this, no redress was obtayned therein; whereupon some gentlemen of qualitie, and others the inhabitants of the country, seeing what was then acted, and what passed in the said last march towards the county of Wickloe, and justly fearing to be all murthered, forsooke their howses, and were constrayned to stand together in their owne defence, though ill provided of armes or ammunition. Heereupon a proclamation was agreed upon at the board, on the 13th of December 1641, and not published or printed till the 15th of December, by which the said gentlemen, and George Kinge by name, were required to come in by, or upon the 18th of the said month, and a safetie was therein promised them. On the same day another proclamation was published, summoning the lords dwelling in the English pale near Dublin to a grand councill on the 17th of the said month; but the lords justices and their partie of the councill, to take away all hope of accommodation, gave direction to the said Sir Charles Coote, the said 15th day of the said month of December, to march to Clontarffe, being the house and towne of the said George Kinge, and two miles from Dublin, to pillage, burne, kill, and destroy all that there was to be found; which direction was readily and particularly observed, (in a manifest breach of public faith) by meanes whereof, the meeteing of the said grand councill was diverted: the lords not daring to come within the power of such notorious faith-breakers: the consideration whereof, and of other the matters aforesaid, made the nobilitie and gentry of the English pale, and other parts of the province of Leinster, sensible of the present danger, and put themselves in the best posture they could for their naturall defence. Wherefore they employed Lieutenant Collonel Read to present their humble remonstrance to your sacred majestie, and to declare unto you
the

the state of their affayres, and humbly to beseech relief and redress; the said lieutenant collonel, though your majestie's servant, and imployed in publique trust, (in which case the law of nations affords safety and protection) was without regard to either, not only stopped from proceeding in his imployment, but also tortured on the rack at Dublin.

11. The lord president of Munster, by direction of the said lords justices, (that province being quiet) with his accomplices, burnt, preyed, and put to death men, women and children, without making any difference of qualitie, condition, age, or sex in severall parts of that province; the catholique nobles and gentlemen there were mistrusted and threatened, and others of inferior quality trusted and furnished with armes and ammunition. The province of Connaught was used in the like measure; whereupon most of the considerable catholiques in both the said provinces were inforced (without armes or ammunition) to look after their safety, and to that end did stand on their defence; still expecting your majestie's pleasure, and always ready to obey your commands. Now the plott of the said ministers of state and their adherents being even ripe, applications were incessantly by them made to the malignant partie in England, to deprive this people of all hopes of your majestie's justice or mercie, and to plant a perpetual enmity between the English and Scottish nations, and your subjects of this kingdome.

12. That whereas this your majestie's kingdome of Ireland in all successions of ages, since the raigne of king Henry the Second, sometime king of England and lord of Ireland, had parliaments of their owne, composed of lords and commons in the same manner and forme, qualified with equall liberties, powers, privileges and immunities with the parliament of England, and onely depend of the king and crowne of England and Ireland: And for all that tyme, no prevalent record or authentique president can be found, that any statute made in England could or did bind this kingdome, before the same were here established by parliament; yet upon untrue suggestions and informations, given of your subjects of Ireland, an act of parliament, entituled, an act for the speedie and effectual reducing the rebels in his majestie's kingdome of Ireland to their due obedience to his majestie and the crowne of England; and another act, intituled, an act for adding unto and expayneing the said former act, was procured to be enacted in the said parliament of England, in the eighteenth yeare of your majestie's raigne; by which acts, and other proclamations, your majestie's subjects unsummoned, unheard, were declared rebels, and two millions and a halfe of acres arrable, meadow and profitable pasture, within this kingdome, sold to undertakers for certains summes of monie; and the edifices, loghs, woodes,

woodes, and bogges, wastes and other their appurtenances, were thereby mentioned to be granted and past gratis. Which acts the said catholiques doe conceive to have beene forced upon your majestie; and although void, and unjust in themselves to all purposes, yett containe matters of evill consequence and extreame prejudice to your majestie, and totally destructive to this nation. The scope seeming to aim att rebels only, and at the disposition of a certaine quantitie of land; but in effect and substance all the landes in the kingdome, by the words of the said acts, may be distributed, in whose possession soever they were, without respect to age, condition, or qualitie; and all your majestie's tenures, and the greatest part of your majestie's standing revenue in this kingdome, taken away; and by the said acts, if they were of force, all power of pardoning and of granting those lands, is taken from your majestie; a president that no age can instance the like. Against this act the said catholiques do protest, as an act against the fundamentall lawes of this kingdome, and as an act destructive to your majestie's rights and prerogatives, by collour whereof, most of the forces sent hither to infest this kingdome by sea and land, disavowed any authoritie from your majestie, but do depend upon the parliament of England.

13. All strangers, and such as were not inhabitants of the citty of Dublin, being commanded by the said lords justices, in and since the said month of November 1641, to depart the said citty, were no sooner departed, than they were by the directions of the said lords justices pillaged abroad, and their goods seized upon and confiscated in Dublin; and they desiring to returne under the protection and safetie of the state, before their appearance in action, were denied the same; and divers other, persons of rank and qualitie, by the said lords justices imployed in publique service, and others keeping close within their doores, without annoying any man, or siding then with any of the said catholiques in armes, and others in severall parts of the kingdome liveing under, and having the protection and safetie of the state, were sooner pillaged, their howses burnt, themselves, their tenants and servants killed and destroyed, than any other, by direction of the said lords justices. And by the like direction, when any commander in chiefe of the army, promised, or gave quarter or protection, the same was in all cases violated; and many persons of qualitie, who obtained the same, were ruined before others; others that came into Dublin voluntarily, and that could not be justly suspected of any crime, if Irishmen or catholiques, by the like direction were pillaged in Dublin, robbed and pillaged abroad, and brought to their tryall for their lives. The cittyes of Dublin and Corke, and the ancient corporatt townes of Drogheda, Yeoghal and Kingsale, who voluntarily received garrisons in
your

your majestie's name, and the adjacent countryes who relieved them, were worse used, and now live in worse condition than the Israelites did in Egypt; so that it will be made appeare, that more murders, breaches of publique faith and quarter, more destruction and desolation, more crueltie, not fitt to be named, were committed in Ireland, by the direction and advise of the said lords justices and their partie of the said councill in less than eightene months, than can be paralleled to have beene done by any christian people.

14. The said lords justices and their adherents have, against the fundamental lawes of the lande, procured the sitting of both howses of parliament for severall sessions, (nyne parts of ten of the naturall and genuine members thereof being absent, it standing not with their safety to come under their power) and made upp a considerable number in the howse of commons of clerkes, souldiers, serveing men, and others, not legally, or not chosen at all, or returned, and having no manner of estate within the kingdome; in which sitting, fundry orders were conceived, and dismisses obteyned of persons before impeached of treason in full parliament; and which passed or might have passed some acts against law and to the prejudice of your majestie, and this whole nation. And dureing these troubles, termes were kept, and your majestie's court of cheefe place, and other courts sate at Dublin, to no other end or purpose, but by false and illegall judgments, outlawries, and other capitall proceedings, to attaint many thowlands of your majestie's most faithfull subjects of this kingdome, they being never summoned, nor haveing notice of those proceedings; and sheriffs, made of obscure meane persons, by the like practice, appointed of purpose; and poore artificers, common soldiers and meniall servants, returned jurors, to pass upon the lives and estates of those who came in upon protection and publique faith.

Therefore the said catholiques, in the behalfe of themselves and of the whole kingdome of Ireland, doe protest and declare against the said proceedings, in the nature of parliaments, and in the other courts aforesaid, and every of them, as being heynous crimes against law, destructive to parliaments and your majestie's prerogatives and authoritie, and the rights and just liberties of your most faithful subjects.

Forasmuch, dread soveraigne, as the speedy applycation of apt remedies unto these grievances and heavie pressures, will tend to the settlement and improvement of your majestie's revenue, the prevention of further effusion of blood, the preservation of this kingdome from desolation, and the content and satisfaction of your said subjects, who, in manifestation of their duty and zeale to your majestie's service, will be most willing and ready to imploy ten thousand men under the conduct of
well

well experienced commanders in defence of your royal rights and prerogatives; they therefore most humbly beseech your majestie, that you will vouchsafe gracious answers to these their humble and just complaints, and for the establishment of your people in a lasting peace and securitie, the said catholiques doe most humbly pray, that your majestie may be further graciously pleased to call a free parliament in this kingdome, in such convenient tyme as your majestie in your high wisdome shall think fitt, and the urgencie of the present affayres of the saide kingdome doth require; and that the said parliament be held in an indifferent place, summoned by, and continued before, some person or persons of honour and fortune, of approved faith to your majestie, and acceptable to your people here, and to be timely placed by your majestie in this government, which is most necessary for the advancement of your service, and present condition of the kingdome: in which parliament, the said catholiques doe humbly pray these or other their grievances may be redressed; and that in the said parliament, a statute made in this kingdome in the tenth yeare of king Henry the Seventh, commonly called Poyning's Act, and all acts exp laying, or inlarging the same, be by a particular act suspended during that parliament, as it hath beene already done in the eleventh yeare of queen Elizabeth, upon occasions of far less moment than now doe offer themselves; and that your majestie, with the advice of the said parliament, will be pleased to take a course for the further repealing, or further continuance of the said statutes, as may best conduce to the advancement of your service here, and peace of this your realme; and that no matter, whereof complaint is made in this remonstrance, may debarr catholiques, or give interruption to their free votes, or sitting in the said parliament, and as in duty bound they will ever pray for your majestie's long and prosperous raigne over them.

Wee the undernamed being thereunto authorised, doe present and signe this remonstrance in the behalfe of the catholiques of Ireland, dated this 17th day of March, 1642.

GORMANSTON. LUCAS DILLON.
ROBERT TALBOTT. JOHN WALSH.

According to your majestie's commission to us directed, we have received this remonstrance, subscribed by the Lord Viscount Gormanstown, Sir Lucas Dillon, Knight, Sir Robert Talbott, Bart. and John Walsh, Esq; authorised by, and in the behalfe of the recusants of Ireland, to present the same unto us to be transmitted to your sacred majestie, dated the 17th day of March, 1642.

CLANRICKARD and ST. ALBANS. ROSCOMMON.
MOORE. MAU. EUSTACE.

N U M B. VI.

Extract of a Collection of some of the Massacres and Murders committed on the Irish in Ireland, since the 23d of October 1641.

[See Review, vol. i. p. 210, &c.]

This collection was first published in London in the year 1662. The author's frequent, candid, and public appeals to things openly transacted, and to * enemies themselves, then living, and well known, is a strong proof, that what he relates is real matter of fact; and there is yet a stronger inducement to think it so, because it has never yet been proved to be otherwise: nor, as far as I have learned, even attempted to be proved.

County of ANTRIM.

1641. **A**BOUT the beginning of November, the English and Scotch forces in Knockfergus murdered in one night all the inhabitants of the territory of the Island Magee, to the number of about 3000 men, women, and children, all innocent persons, at a time when none of the catholics of that country were in arms or rebellion. Note, that this was the first massacre committed in Ireland of either side.

Mr. Mac Naghten having built a small fortress in the said county, to preserve himself and his followers from outrages, untill he understood what the cause of the then rebellion was; as soon as Colonel Campbell came near with part of the army, he sent to let him know, that he would come to him with his party, which he did; and they were next day murdered to the number of 80, by Sir John Clotworthy, now Lord Massareen's, soldiers.

About the same time, 100 poor women and children were murdered in one night, at a place called Balliaghun, by direction of the English and Scotch officers commanding in that county.

County of DERRY.

1641. Some 300 men, women, and children of the Irish, having freely come under the protection of the garrison of London-Derry, were stripped, plundered, and killed by the said garrison.

1644.

* Sir Audley Mervyn, Sir Robert Hannah, (lady Mount-rath's father) several general and other officers, then, and many years after, alive.

1644. Mr. Morris Mac Daniel, natural son of the late Earl of Antrim, was hanged at Coleraine, by the governour's orders, notwithstanding he had Colonel Michael Jones's pass.

County of DOWN.

1641. The burgeses and inhabitants of the town of Newry, meeting the English army on their march to besiege the castle of the said town, were received into protection; and, after quarter given to the garrison of the said castle, the said inhabitants, and the soldiers of the said garrison, to the number of 500 and upwards, men, women, and children, were brought on the bridge of Newry, and thrown into the river, and such of them as endeavoured to escape by swimming, were murdered.

County of DONEGALL.

1641. About the 20th of November, Sir William Steward commanded the gentry and inhabitants of that county to join with his forces in opposition to the rebels, and accordingly they came to the place appointed, where Captain Cunningham, with a party of the said Sir William's regiment, under pretence of incorporating with them, fell upon the inhabitants with his armed soldiers, and killed very many of them; among whom were Owen Mac Sweeny, Morris O'Farey, and Donagh O'Callan, gentlemen of quality and estates.

About the same time, Captain Fleming, and other officers of the said regiment, commanding a party, smothered to death 220 women and children, in two caves. And about the same time also the said Captain Cunningham murdered about 63 women and children, in the isles of Ross.

1641. The governour of Letterkenny gathered together on a Sunday morning 53 poor people, most of them women and children, and caused them to be thrown off the bridge into the river, and drowned them all.

1641. In November, one Reading murdered the wife and three children of Shane O'Morghy in a place called Ballykenny of Ramaltan, and after her death cut off her breasts with his sword.

1641. 1642. The garrisons of Rapho, Drombo, Lifford, and Castle Raghena, slaughtered no less than 1500 of the poor neighbouring inhabitants never in arms; and three persons were chiefly noted among them for their barbarous cruelty, by name James Graham, Henry Dungan, and Robert Cunningham, commonly called the killer of old women.

1641. 1642. About 2000 poor labourers, women and children, of the barony of Tirbu, were massacred by the garrisons of Ballashany and Donegal; and Lieutenant Thomas Poe, an officer among them, coming under colour of friendship to visit a neigh-

a neighbour that lay sick in his bed, and to whom he owed money, carried a dagger under his cloak, which, whilst he seemed to bow towards the sick man in a friendly manner, asking how he did, he thrust it into his body, and told his wife her husband should be no longer sick.

1650. In the month of June, about 3000 horse and foot of his majesty's army being defeated near Letterkenny by the English rebels, adhering to Cromwell, most of the principal officers of the said party taken prisoners in the battle, were killed in cold blood, by order of Sir Charles Coote, late Lord of Mountrath, notwithstanding they had quarter from the officers who took them prisoners.

County of MONAGHAN.

1641. Captain Townsley, governour of Magherneckle, killed four labourers, and a woman, being under protection. Captain Bromwell, governour of Clunes, meeting upon the road with Marc Charles O'Conolly, a gentleman living under his protection, caused him to be shot to death. The soldiers of the garrisons of Dundalk and Trim, killed no less than 500 innocent persons, women and children, in that county.

1641. 1642. The armies of Monroe and the Lagan, in their several marches through that county, slaughtered about 2000 poor old men, women and children.

1652. Colonel Barrow of Cromwell's army, having taken an island defended by Lieutenant Colonel Patrick Mac Mahon for his majesty, after killing the said lieutenant colonel and his soldiers, put all the women and children to the sword, to the number of 80, among whom a child of six years old, being spared by the soldiers, was killed by order of the said Colonel Barrow.

County of CAVAN.

1642. Marc de la Pool, an English gentleman, having taken lands in that county some years before the war, invited several of his friends to come out of England, and live with him, who were all murdered in their houses by the army, (only the said de la Pool, who was brought into the town of Cavan) and there hanged for no other reason, but their being Roman catholics, and living among the Irish. Sir Alexander Godren, and his lady, both Scotch, but Roman catholics, each of them above 70 years old, were plundered of their goods, and stripped naked; and all their tenants, servants, and all their sons murdered. In the same year the English forces in this county drowned 600 men, women and children, in and about Butler's-bridge, no murders having been committed on any protestants there,

there, although in the pamphlet lately printed, several murders are said to have been committed in that place.

County of MAYO.

In this county few murders were committed by either side, though the libel saith, that about 250 protestants were murdered, whereof at Bellicke 220; whereas not one person was murdered there, which the now Lady of Mountrath can witness; her ladyship, and Sir Robert Hannah, her father, with many others, having retreated thither for security, were all conveyed safe to Mannor-Hamilton; and it is observable, that the said lady and the rest came to Mr. Owen O'Rorke's, who kept a garrison at Drumaheir for the Irish, before they came to Mannor-Hamilton, whose brother was prisoner with Sir Frederick Hamilton; and the said Mr. Rorke, having so many persons of quality in his hands, sent to Sir Frederick to enlarge his brother, and that he would convey them all safe to him: but Sir Frederick, instead of enlarging his brother, hanged him the next day, which might have well provoked the gentleman to revenge, if he had not more humanity than could be well expected upon such an occasion, and in times of so great confusion; yet he sent them all safe where they desired.

There was a murder committed near the Moyn on 27 protestants, which was all (and that too many) that was committed in that county. Buchannan, said to be buried alive, was killed in a private quarrel, and he cut off his adversary's hand before himself was killed.

County of GALWAY, and Province of CONNAUGHT.

1642. Serjeant Redmund Bourke, of the Lord of Clanmorris's foot-company, and two more, were hanged by the then governour of the fort of Galway, the said lord being then of his majesty's army; for which action no reparation being given to his lordship, he alleged it to be the occasion of his revolt from the Lord Marquis of Clanrickard. A party of the garrison of the said fort murdered six people in Rinveel, among whom one Geffery Fiz-Thibot, aged about 70 years, and in a burning fever, with his wife, who was old, were murdered in their beds; which action provoked many of the neighbours to stand on their guard against the said fort.

1652. Richard Bourke, a colonel in his majesty's army, had quarter given him by some of Colonel's Coote's men, he being taken in a skirmish between Colonel Grace, and some of Cromwell's party, and being prisoner for some time, Colonel Henry Ingoldsby caused his head to be cut off.

1652. 1653. It was a usual practice with Colonel Stubbers, then governor of Galway, and others commanding in
said

saïd county, to take the people out of their beds at night, and sell them for slaves to the Indies; and by computation he sold out of saïd county above 1000 souls.

Murders committed in the saïd county of GALWAY on protestants.

1642. It is confessed, that two protestants were murdered in that county, whereof one was a minister, as the libel says; but it is most certain the Lord Marquis of Clanrickard caused the three men, who murdered one of them, to be hanged in gibbets in three several places; and by his lordship's orders, Sir Roger O'Shaghnessy hanged the two cow-herds who murdered the other. Lord Clanmorris having declared against the saïd fort for hanging his serjeant, as above expressed, took serjeant Rowright, and two or three more of the soldiers of saïd fort, pillaging a village near Galway, and hanged Rowright, and the other three.

A barbarous murder was committed by one Edward Alta, an irreligious prophane fellow of the county of Mayo, and his accomplices, on some protestants at Shruel, a place meeting Galway, on about 30 persons; and the pamphleteer might well remember, that the neighbouring gentry came with all expedition to rescue the saïd protestants; and that they did rescue the bishop of Killala (who by the pamphlet seems to have been murdered) and his wife and children, with most part of the saïd protestants, and Bryan Kilkenny, a fryar, then guardian of the abby of Ross, near Shruel, was of the first that made haste to that rescue, and brought the saïd bishop's wife and children, with several others of the saïd distressed protestants, to his monastery, where they found as much civility as was in the saïd fryar's power to give them for several nights; until Mr. Burke of Castle-Hacket brought the saïd bishop, his wife and family, to his own house, where they wanted nothing he could afford them for some weeks: the like being done by several other neighbouring gentlemen to the rest of the saïd protestants, until they were sent to places of security by the Lord Marquis of Clanrickard's order; yet the saïd fryar hath been these eight years past kept a prisoner for his function or calling, without any other crime laid to his charge, now being above 80 years old. And it is observable, that in this county of Galway all the war time, several protestant ministers, viz. Dean York, Mr. Corroyn, Mr. Kelly, and other ministers, had their protestant flocks and meetings without interruption, living among the Irish.

County of ROSCOMMON.

No murders were committed by any party in this county, only five persons at Balanafada by one Roger O'Connor; and no murders

murders were committed at Ballaleague during the war, although in the pamphlet the contrary is expressed ; nor was any such man as William Stewart known in that county, nor to have been murdered there ; though the abstract sets forth his being murdered in a most barbarous manner as is pretended.

County of LEITRIM.

1641. It was commonly known to all sides how cruel the governor of Mannor-Hamilton (Sir Fred. Hamilton) was in that county, how he usually invited gentlemen to dine with him, and hanged them after dinner, and caused their thighs to be broke with hatchets before execution. Also the said governor, being in Ulster when the rebellion broke forth, desired one Mr. Iraght (a gentleman who professed much friendship to him) to do him the favour to guide him in safety to Mannor-Hamilton aforesaid, which the gentleman did, and came near one hundred miles with him ; but after being friendly treated for some days by the said governor, he was hanged without the least occasion, neither was the gentleman in the rebellion, but was hanged lest he should. The libel says three protestants were murdered in this county ; but on due examination it will be found, there was none.

County of SLIGO.

Here is none at this time who can give any exact account of the murders committed in this county, but one remarkable murder in Creane's-castle in the town of Sligo. The Irish had a party commanded by major Richard Burke, (who after obtaining quarter to march away) to the number of about 200 were murdered, rendering the castle. This Sir Audley Mervyne knoweth to be true.

County of DUBLIN.

1641. About the beginning of November* 5 poor men (whereof two were protestants) coming from the market of Dublin, and lying that night at Santry, three miles from thence, were murdered in their beds by one Captain Smith, and a party of the garrison of Dublin, and their heads brought next day in triumph into the city ; which occasioned Luke Netterville and George King, and others of the neighbours, to write to the lords justices to know the cause of the said murder ; whereupon their lordships issued forth a proclamation, that within five days the gentry should come to Dublin to receive satisfaction, and in the mean while (before the five days were expired) old Sir Charles

* See Sir John Temple's Apology for this massacre in his history of the Irish Rebellion.

Charles Coote came out with a party, plundered and burned the town of Clontarffe, distant two miles from Dublin, belonging to the said George King, nominated in the proclamation, and killed 16 of the townsmen and women, and three sucking infants. Which unexpected breach of the proclamation (having deterred the gentlemen from waiting of the lords justices) forced many of them to betake themselves to their defence, and others to abandon their houses.

In the same week 56 men, women and children, of the village of Bulloge (being frightened at what was done at Clontarffe) took boats and went to sea, to shun the fury of a party of soldiers come out of Dublin, under the command of Colonel Crafford; but being pursued by the soldiers in other boats, were overtaken, and thrown over-board. One Ruffel, a baker in Dublin, coming out of the country in company with Mr. Archbold of Clogram, (who went to take hold of the proclamation of the lords justices) were both hanged and quartered. In March, a party of horse, of the garrison of Donfaghlin, murdered seven or eight poor people in protection, tenants of Mr. Dillon of Hunstowne, having quartered in their houses the night before, and receiving such entertainment as the poor people could afford. About the same time a party of the English, quartered at Mallahyde, hanged a servant of Mr. Robert Boyne's at the plough, and forced a poor labourer to hang his own brother; and soon after they hanged 15 of the inhabitants of Swords, who never bore arms, in the orchard of Mallahyde; they likewise hanged a woman bemoaning her husband hanged among them.

In the same year, after quarter given by Lieutenant Colonel Gibson to those of the castle of Carrigmain, they were all put to the sword, being about 350, most of them women and children; and Colonel Washington, endeavouring to save a pretty child of seven years old, carried him under his cloak, but the child against his will was killed in his arms, which was a principal motive of his quitting that service.

1642. In April one Nicholas Hart, and 14 labourers, going with corn to the market of Dublin, and having a pass, were all murdered on the road by a party commanded abroad by Lord Lambert. The same day Mr. Sarsfield of Lucan sent his groom to guide the Lord of Gefil's troop, which the fellow having performed, was knocked on the head for his labour. The same day 18 villages in protection, the farthest within six miles to Dublin, were plundered and burned, and to the number of 400 men, women and children, were cruelly massacred. About the same time a party of the garrison of Swords, having brought in 30 poor labourers, forced them to dig their own graves, and then killed them. Much about that time one Bennet, sheriff of the county, killed 16 men and women,

coming from the market of Dublin. A party under the command of Colonel Crafford murdered 140 women and children in Newcastle and Coolmain, being under protection. Many thousands more of the poor innocent people of that country, shunning the fury of the soldiers, fled into thickets of firs, which the soldiers would usually set on fire, killing as many as endeavoured to escape; or forced them back again to be burned, and the rest of the inhabitants, for the most part, died of famine.

Note, That no less than 12000 of the poor inhabitants of that county were cruelly massacred the first year of the war.

County of KILDARE.

1641. Captain Thomas Hues, having summoned thirty-three contributors to meet him at Hedgestowne, caused them all to be murdered. The said Hues murdered Mrs. Eustace, aunt to Sir Robert Talbot, 90 years old, with two gentlewomen that waited on her, after she had entertained him friendly in her house. The soldiers of Clongow's wood, and Rathcoffy, yielding upon quarter, were conveyed to Dublin, and hanged there, and upwards of 150 women and children were found in the said places murdered. It is well known, that the commons of that country were, for the most part, destroyed and slaughtered by the English, in so much, that there were not so many left living as could gather the twentieth part of the harvest.

County of MEATH.

1642. In April Mrs. Elinor Taaffe of Tullaghanoge, sixty years old, and six women more, were murdered by the soldiers of the garrison of Trim; and a blind woman, aged 80 years, was encompassed with straw by them, to which they set fire, and burned her. The same day they hanged two women in Kilbride, and two old decrepit men that begged alms of them. In the same year Mr. Walter Dulin, an old man, unable to stir abroad many years before the war, was killed in his own house, by Lieutenant Colonel Broughton's troopers, notwithstanding the said Broughton's protection, which the old man produced. Mr. Walter Evers, a justice of the peace and quorum, an aged man, and bed-ridden of the palsy long before the rebellion, was carried in a cart to Trim, and there hanged by the governour's orders.

Many plowmen were killed at Philbertstowne. Forty men, women and children in protection, reaping their harvest in Bonestown, were killed by a troop of the said garrison; who upon the same day killed Mrs. Alison Read at Donsaghlin, being 89 years old, and 40 persons more, most of them women and children,

children, shunning the fury of the said troop, were overtaken and slaughtered. About 70 men, women and children, tenants to Mr. Francis Mc Ovoy, and under protection, were killed by Greenville's soldiers, and 160 more in the parish of Rathcoare, whereof there was one aged couple blind 15 years before. Captain Sandford, and his troop, murdered in and about Mulhufley upwards of 100 men, women and children, under protection, and caused one Connor Bressan to be stuck with a knife into the throat, and so bled to death. And one Eleanor Cusack, 100 years old, was tied about with lighted matches, and so tortured to death in Clonmoghon. James Dowlan, about 100 years old, Donagh Comen, Darby Dennis, Roger Bolan, and several other labourers and women, to the number of 160, making their harvest, were slaughtered by the garrison of Trim.

Mr. Barnwell of Tobertinian, and Mr. John Hufsey, innocent persons, were hanged at Trim by old *Sir Charles Coote's party. Gerrald Lynch of Donower, aged 80 years, was killed by troopers of Trim, being in protection. Mr. Thomas Talbott of Crawly's-town, about 80 years old, being protected, and a known servitor to the crown, was killed at his own door by some of Captain Morroe's troop. About the month of April the soldiers under the said Greenville's command, killed in and about the Navan 80 men, women and children, who lived under protection. Captain Wentworth and his company, garrisoned at Dumo, killed no less than 200 protected persons in the parish of Donamora, Slane, and barony of Margellion, and Ovemorein, the town of Ardmulchan, Kingstown and Harri-
ston, all protected persons.

Sir Richard Greenville's troop killed 42 men, women and children, and 18 infants at Doramstown. A woman under protection was, by Captain Morroe's soldiers, put into the stock of a tuck-mill, and so tuckd to death in the town of Steedalte. Lieutenant Ponsonby put two aged protected persons to death at Downastone, each of them about 80 years old. Captain Morroe caused about 100 protected persons, men, women and children to be put to death in the barony of Dooleek; and Lieutenant John Tench killed a protected person 70 years old, near Dooleek. Mr. Patrick White, son and heir of Mr. White of Clangill, in protection, was taken out of his bed, and knocked on the head by Lieutenant Luaton of the garrison of Trim. Many thousands of the poor inhabitants of this county were destroyed in the firs, as those in the county of Dublin, and the rest for the most part perished with famine.

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County

* This Sir Charles Coote was killed at Trim in 1642. See Note vol. i. p. 238. His eldest son Sir Charles Coote, so often mentioned in these civil wars, was, for his *signal services*, created Earl of Montrath, by King Charles II. See vol. ii. p. 79.

County of WESTMEATH.

1642. About the latter end of March, Mr. Christopher Mac-Gawly, notwithstanding the protection of the Duke of Ormond, was killed in his own house, with two of his servants, by a party of the English army marching to Athlone, who laying the protection on the said Mac-Gawly's breast, shot him through his protection, to try whether it was proof against a bullet. Mrs. Ellis Dillon of Killenennin, having the lords justices protection for herself and tenants, their wives and children, they were all killed by soldiers under Sir Michael Earnley's command.

County of LOWTH.

1641. In the month of February about 300 poor people, men, women and children, were cruelly slaughtered in the wood of Derruer, by a party of the garrison of Dundalk and Tredath. About the beginning of March about 300 farmers and labourers, never in arms, with their wives and children, were massacred by a party of the garrisons of Dundalk, and Tredath in the Redmoore of Braganstown. About the same time Captain Charles Townsly, and Lieutenant Faithful Townsly, with a part of the English army, and garrison of Dundalk, slaughtered at Dunmoghham 220 inhabitants of several villages, commanded by the officers of the said army to live in that place for their greater security. A party of the said garrison of Tredath and Dundalk killed above 200 persons in the castle of Reighstown after quarter given. One Anthony Townsly hanged Mr. Dromgole of Dromgolestown at his own gate. The said Townsly hanged upwards of 30 poor men and women, going to the markets of Dundalk and Tredath, on a tree, commonly called Eight Mile Bush, midway between the said towns.

1642. A party of horse and foot of the garrison of Tredath, killed and burned in the firs above 160 men, women and children, of the inhabitants of Termorfeighlin, within three miles of Tredath: no less than 1000 of the poor inhabitants of that county, though they were not taxed with any murders committed on the protestants, according to their own abstract, were massacred.

County of WICKLOW.

October, 1641. Three women, whereof one gentlewoman big with child, and a boy, were hanged on the bridge of Neuragh by command of Sir Charles Coote in his first march to that county; and he caused his guide to blow into his pistol, and so shot him dead. He also hanged a poor butcher on the same march called Thomas Mac William. Mr. Dan. Conyam
of

of Glanely, aged, and unable to bear arms, was roasted to death by Captain Gee of Colonel Crafford's regiment: and in the marches in 1641, 42, and 43, the English army killed all they met in this country, though no murders are charged in the said county to be committed on protestants by the abstract. In the Usurper's time Captain Barrington, garrisoned at Arklow, murdered Donagh O'Dayle of Killearrow, and above 500 more protected by himself; and it is well known that most of the commonalty were murdered.

County of KILKENNY.

1641. The English foldiers of the garrison of Ballenakil burned an old woman of 90 years old in her own house in Idough. 1642. The said foldiers massacred 180 men, women and children, who were cutting their corn, near the said garrison. They dragged Mr. Thomas Shee, an innocent person out of his own house, with five of his servants, and hanged them all at Ballenakil.

County of TIPPERARY.

1641. On the 24th of October one Browne and Captain Peasely murdered eleven men, women and children in their own houses at Golden Bridge, before any of the catholics took up arms in that county. About the same time the said Captain Peasely going through Cloneulty, Philip Ryan, a peaceable gentleman, and owner of the said town, came out of his house to salute the captain; who pulled out his pistol and shot the poor harmless gentleman dead at his own door.

Note, That these two murders occasioned the rising of the gentry and inhabitants of that county.

One John Wise of Ballyowen, an English foldier, came several times in woman's attire upon the road, and committed divers murders upon simple country people coming from the market.

County of CLARE.

1644. Forty families in protection were murdered by the garrison of Inchicronan. 1646. Several residing near Bunratty were murdered by the foldiers of that garrison under command of Lieutenant Adams.

County of CORK.

1641. In Condon's country about 300 labourers, women and children, were murdered by some of the now Earl of Orrery's foldiers. In the said county, among others, they gelded one Denis Downy, and pulled out one of his eyes, and sent him in that posture to his wife. Fifty-six persons, or thereabouts,

thereabouts, were brought prisoners to Castle Lyons, (most of them labourers, who did never bear arms) were put into a stable, and the women in that garrison at night fired their beards, and the hair of their heads, which so disfigured them, that their nearest friends could not know them next day, when they were hanging.

1642. In the same county 355 persons, men, women and children, were murdered with clubs and stones, being in protection. Mr. Henly, an English gentleman, dwelling in Roche's country, but a Roman catholic, had his wife and children barbarously stripped, and most of his tenants inhumanly murdered by adjacent English garrisons, he the said Henly, or his tenants, being never in arms: and such cruelty was used, that they stabbed young infants, and left them so half dead on their mother's dead carcases. In the said Henly's town, and the adjacent villages, at that time, there were murdered about 900 labourers, women and children.

1643. Cloglegh being garrisoned by the Irish, and surrendered upon quarter of life to Sir Charles Vavasor, they were all inhumanly murdered, and the hearts of some of them pulled out, and put into their mouths; and many other massacres were committed the same time there on women and children. At Liffey 24 men in protection were murdered by Colonel Mynn's soldiers. At Bellauere the same year Teig O'Mungan, and David Broge, blowing by command into pistols, were shot to death by some of Captain Bridge's men, and eight poor labourers more killed by them, being in protection, and then employed in saving some harvest of the English.

1642. At Clogheilty about 238 men, women and children were murdered, of which number 17 children were taken by the legs by soldiers, who knocked out their brains against the walls. This was done by Phorbis's men, and the garrison of Bandon Bridge. At Garranne, near Ross, Connor Kennedy, who had protection for himself and his tenants to save their harvest, were murdered by the garrison of Ross, as they were ditching about their corn.

1641. At Bandon Bridge, the garrison there tied 88 Irishmen of the said town back to back, and threw them off the bridge into the river, where they were all drowned. Patrick Hackett, master of a ship in Waterford, the Duchess of Ormond being desirous to be conveyed by him to Dublin, after leaving her safe with her family and goods there, the lords justices and Duke of Ormond gave him a pass for his safe return, who being driven by a storm into Dongarvan, the said master and his men were hanged by direction of the commander in chief there, notwithstanding he produced his said pass. The English party of this county burned O'Sullivan Beare's house in Bantry, and all the rest of that county, killing man,
woman

woman and child, turning many into their houses then on fire, to be burned therein : and among others Thomas De Bucke, a cooper, about 80 years old, and his wife, being little less ; and all this was done without provocation, the said O'Sullivan being a known reliever of the English in that country. Observe that this county is not charged in the late Abstract with any murders.

County of WATERFORD.

1641. In Decy's country, the neighbouring English garrisons of the county of Corke, after burning and pillaging all that country, murdered above 3000 persons, men, women and children, before any rebellion began in Munster, and led 100 labourers prisoners to Caperquine, where being tied by couples, they were cast into the river, and made sport of, to see them drowned. Observe that this county is not charged with any murders to be committed on protestants.

N U M B. VII.

Extract of the Acts of the General Congregation of the Roman Catholick Bishops and other Clergy, held at Kilkenny on the 10th, 11th, and 13th Days of May, 1642.

[From Borl. Hist. of the Irish Rebellion, f. 122.]

[See Review, vol. i. p. 222.]

Act I. **I**N which war, if some of the catholicks be found to proceed, out of some particular and unjust title, covetousness, cruelty, revenge, or hatred, or any such unlawful private intention, We declare them grievously to sin, and therefore worthy to be punished, and refrained with ecclesiastical censures, if advised thereof they do not amend.

—Act IX. Let a faithful inventory be made in every province, of the murders, burnings, and other crueltys, which are committed by the puritan enemies, with a quotation of the place, day, cause, manner, and persons, and other circumstances, subscribed by one of public authority.

Act X.—In every parish let a faithful and sworn messenger be appointed, whereby such crueltys, and other affairs may be written, and sent to the neighbouring places ; and likewise from one province to another : let such things be written for the comfort, instruction, and carefulness of the people.

—Act XVIII. We ordain and decree, that all and every such, as from the beginning of this present war, have invaded the

the possessions of goods, as well moveable, as unmoveable, spiritual or temporal, of any catholick, whether Irish or English, as also of any Irish protestant, being not an adversary of this cause, and do detain any such goods, shall be excommunicated; and by this present decree, We do excommunicate them, if admonished, they do not amend. And with the like censure, We do bind such, as henceforward shall invade or detain such goods —

Act XIX. We command all and every the churchmen, as well secular as regular, not to hear the confessions of the aforesaid excommunicated persons, nor to administer unto them the holy sacrament, under pain of excommunication *ipso facto*.

Act XX. We will and declare, all those that murther, dismember, or grievously strike, all thieves, unlawful spoilers, robbers of any goods, extorters, together with all such as favour, receive, or any ways assist them, to be excommunicated; and so to remain until they compleatly amend and satisfy, no less than if they were namely proclaimed excommunicated; and for satisfaction of such crimes, hitherto committed, to be enjoined, We leave to the discretion of the ordinarys and confessors how to absolve them.

—Act XXVI.—We command all, and every the general, colonels, captains, and other officers of our catholick army, to whom it appertaineth, that they severally punish all transgressors of our aforesaid command, touching murtherers, maimers, strikers, thieves, robbers; and if they fail therein, We command the parish-priests, curates, and chaplains respectively, to declare them interdicted, and that they shall be excommunicated, if they cause not due satisfaction to be made to the commonwealth, and the party offended. And this the parish-priests, or chaplains, shall observe, under pain of sentence of excommunication given *ipso facto*.

—Act XXIX. Moreover, We pray and require all noblemen, magistrates, and other martial commanders, that with their helps and secular forces, they assist and set forward in execution the aforesaid statutes in their several precincts respectively as often as it shall be needful.—

NUMB.

N U M B. VIII.

Intelligence from his majesty's army in Scotland, to be presented to the most honourable the lord lieutenant-general of Ireland; written at Inverlochy in Lochaber, the 7th of February, 1644; by an Irish officer of Alexander Macdonnel's forces.

From Carte's Collection of Original Letters and Papers, concerning the Affairs of England, and Ireland, found among the Duke of Ormond's Papers, vol. i. p. 73.

[See Review, vol. i. p. 304.]

WHEN the Irish forces arrived in Argyle's bounds in Scotland, our general-major, Alexander Macdonnel, sent such of his majesty's commissions and letters to those to whom they were directed, although for the present none was accepted of; which caused our general-major and those forces to march into Badenoch, where they raised the country with them; and from thence to Castle-Blair in Athol, where the Lord Marquess of Montrose came unto, and joined them with some other small forces. From thence they marched to St. Johnston, where the enemy had gathered together 8000 foot, and 800 horse, with nine pieces of cannon, his majesty's army not having so much as one horse; for that day, the Marquess of Montrose went on foot himself with his target and pike; the Lord Kilpunt commanding the bow-men, and our general major of the Irish forces commanding his three regiments. The armies being drawn up on both sides, they both advanced together; and although the battle continued for some space, we lost not one man on our side, yet still advanced, the enemy being three or four to one: howsoever, God gave us the day; the enemy retreating with their backs towards us, that men might have walked upon the dead corps to the town, being two long miles from the place where the battle was pitched. The chase continued from 8 o'clock in the morning till 9 at night: all their cannon, arms, ammunition, colours, drums, tents, baggage, in a word, none of themselves nor baggage escaped our hands, but their horse and such of the foot as were taken prisoners within the city. This battle, to God's glory, and our prince's good, was fought the first day of September.

From thence we marched straight to Aberdeen, only surprising such as withstood us, with little or no skirmishing, till the 13th of the same month: at Aberdeen, the covenanters of the North had gathered themselves together, to the number of 3000 foot and 500 horse, with three pieces of cannon. We had then about 80 horse: the battle being fairly pitched, it continued

tinued for a long space, and the enemy behaved themselves far better than they did at Johnston. Yet we lost not that day above 4, but the enemy were altogether cut off, unless some few that hid themselves in the city. The riches of that town, and the riches they got before, hath made all our soldiers cavaliers. This battle being ended, only our manner of going down to battle, and how each commanded, I omit till it be drawn, and set down in a more ample manner; now tendering only a brevity of our proceedings; for if I should write the whole truth, all that hath been done by our army would be accounted most miraculous; which I protest I will but shew in the least manner I can, leaving the rest to the report of the enemy themselves.

After this battle, we marched towards the Highlands again, so far as to Castle-Blaire, where I was sent to Ardaturagh, with a party to relieve the castle of Migary and the castle of Laughaline; Migary castle having a leaguer about it, which was raised two or three days before I could come to them; at which time the captain of Clanronald, with all his men joyned with Clencoe men, and others, who had an inclination to his majesty's service.

In the mean time, while I was interested upon the services, the Marquess of Montrose marched back to the Lowlands, almost the same way that he marched before, till they came to a place called Fivv in the shire of Aberdeen, where Argyle, with 16 troops of horse and 3000 foot marched up, and upon a very plain field Argyle was most shamefully beaten out of the field; and had it not been for his horse, they had suffered as deeply as the rest; so that there was not on our side any hurt done, but on their side, they lost many of their best horse, and most of all their commanders hurt, and the earl mareschal's brother killed. After the armies separated, the lord marquess marched again to Castle-Blaire, in Athol, where I met again with him and such of the Highlands as had joined with me; the day of Fivv was on October 28th.

From Castle-Blaire, we marched to Glanurghyes, called M'Callin, M'Conaghy, which lands we all burned and preyed from thence to Lares, alias Laufers; and burned and preyed all this country from thence to Aghenbracke's, whose lands and country were burned and preyed; and so throughout all Argyle, we left neither house nor hold unburned, nor corn nor cattle that belonged to the whole name of Campbell. Such of his majesty's friends as lived near them joined with us. We then marched to Loughaber, where Mr. Alane came and joined us, but had but few of his men with him. From thence we marched to Glengarry, where the lord of Glengarry joined with us. At this place we got intelligence that Argyle, Aghenbracke, and the whole name of Campbell, with all their forces, and a great number of Lowlandmen with them, were come to Inverloughy in Loughaber,

Loughaber, following us. This caused us to make a counter-march the nearest way over the mountains, till we came within musket shot of the castle of Inverloughy, it then being night, so that the enemy stood to their arms all night, the sentries skirmishing together. By this place of Inverloughy, the sea comes close, and that night Argyle embarked himself in his barge, and there lay till the next morning, sending his orders of discipline to Aghenbracke and the rest of the officers there commanding the battle; which on all sides being pitched, and their cannon planted, the fight began; the enemy giving fire on us on both sides, both with cannon and muskets to their little avail. For only two regiments of our army, playing with musket-shot, advanced till they recovered Argyle's standard, and the standard-bearer, at which their whole army broke; which were so hotly pursued both with foot and horse, that little or none of the whole army escaped us, the officers being the first that were cut off.

There Aghenbracke was killed, with 16 or 17 of the chief lords of Campbell: their other Low-land commanders (only two lieutenant-colonels) all cut off. Four others of the name of Campbell were taken prisoners, as Bearbrick, the young laird Carrindel, Inverleen captain, son of Enistefinth, and divers others that got quarter, being men of quality. We lost but two or three that day; this battle was fought the 2d of February.

N U M B. IX.

From Carte's Life of the Duke of Ormond, vol. i. fol. 390.

[See Review, vol. i. p. 269.]

THE lords of the pale having received no answer from the lords justices to their proposal for a cessation, sent by Colonel Read, on March 9th, 1641-2, they renewed that proposal by the Earl of Castlehaven, on the 23d of the same month. About the same time, Sir Lucas Dillon, Hugh Oge O'Connor, and other gentlemen of Roscommon, proposed a like cessation to the Earl of Clanrickard, and the president of Conaught. In the following month the lords of the pale repeated the same proposition. And Lord Clanrickard, at the request of the rebels in general, on May 19th, recommended to the state the agreeing to a general cessation, until his majesty's pleasure was further declared, upon their humble supplications. But the justices entertaining different sentiments, and resolving upon a severe punishment of all, without distinction, absolutely rejected the cessation.

N U M B.

N U M B. X.

[From Desiderat. Curios. Hibernic.]

A Remonstrance of the Right Hon. James, Earl of Castlehaven and Lord Audley, addressed to his Majesty King Charles II.

[See Review, vol. i. p. 269.]

WHEREAS my escape out of Sheriff Woodcock's house in Dublin, where I was near twenty weeks a prisoner, is likely to occasion various discourses and conjectures, I have thought fit, by advice of my friends, to remonstrate the truth of my case.

After having, with the rest of the peerage of England, for the space of near a year, served his majesty there, first, in his great council at York, and then in the parliament; but still under the awe and terror, either of the Scottish army at Newcastle, or the rude rabble at London; at length many of the lords (as well wearied with that extream slavery, as unwilling to be any longer eye-witnesses of the affronts daily multiplied on the king and queen, and other intolerable insolencies tending to the destruction of monarchy, and establishing of popular government) retired themselves to their several houses; and I, with his majesty's leave, approved by the lords of parliament, about the feast of St. Michael the archangel, 1641, came into Ireland; where shortly after appeared the sparks of the ensuing war, that now by fire and sword doth rage throughout this kingdom. Upon the first discovery whereof, I with all possible speed repaired to Dublin, and there not only offered my service, but sued to the state for employment, for the suppressing of that commotion; but it was refused; answer being given me by one of the justices, and others of the council, that the character I bare of papist, made me incapable of trust, nay even of arms, to defend my own house from robbers. At this time the county of Kildare (where I resided) was quiet, and held so till about mid November. But now the tide of confusion began to overflow those banks also, which occasioned my second journey to the justices and council; where after having made a faithful narration of the state of that county, I became an humble suitor, that a troop of horse might be presently sent down, averring, that a small force would then do that, which the month following might be work for an army. But the effect of this journey, was only their lordships thanks, with an unanimous licence from the whole council, that until they were able to relieve me, I should make fair weather, and preserve myself and mine by the

the respect they knew the country bare me. But this helped me little ; for shortly after, most of the chief of that county declared themselves : so that the rest of the winter, I was enforced to stand on my guard, with watch and ward, both day and night, keeping my brother M. Maruin Touchet, or some other, always at Dublin, from time to time, expecting the commands of the state. The winter now past, and fair weather coming on, about Easter the English army (commanded by the lieutenant-general, now marquis of Ormond) in its march to Leix lodged some four miles from my house, whither that night, by the respect of the lieutenant general, was sent a safe-guard. And in thankfulness, the duchess of Buckingham, the Earl of Antrim and myself, went the next morning to salute his lordship and his army ; where we were so received, as stood well with the honour of that great lord and noble commander. After some days, his lordship having now relieved the places in distress, and finished his design, in his return, and in sight of my house, though three miles from it, was the encounter betwixt the English army and the Irish, commonly called the battle of Kilrush ; whither, because I *in cuerpo*, with my three or four men, without gun or powder, did not come, and being to pass through thousands of the Irish, I am said, by the malicious, to have discountenanced the king's army. The evening after victory, his lordship's march being near my house, he was pleased, with some of his chief commanders, to refresh themselves there ; and in the night, his lordship wanting a guide to conduct him and his army some four miles to their quarters, I would trust none with that charge but myself. Notwithstanding this my respect, it must be given out, that so great an entertainment was never intended for the lieutenant general and his followers, but rather for the Lord Viscount Mountgarret, and the rest of the rebels. To this point, divers witnesses were examined against me, though God knows, I expected not either of their coming thither.

By these misinterpretations of my actions, I thought I must no longer sleep, doubting that my quiet living in the country drew envy on my person, so that I resolved to put myself into the fashion, that is, to leave my house to be burnt, my stock of all sorts (being of great value) to be a prey to whosoever would take them ; and to look at nothing, but to save myself and people, with some choice goods. To this purpose, I presently resolved to move the state at Dublin, that I might have licence to go for England, it being the custom of this kingdom not to depart without leave ; but as I was dispatching the messenger, a letter unexpected fell into my hands, delivered me by one of my servants ; but the bearer never came to my presence. I opened it, never asking or considering from whom it might come. I found it subscribed by the viscounts Gormanstown and Neter-vill, and the Lord of Slane : it was to this effect ; that in obedience

dience to his majesty's proclamation, they, and other united lords and gentlemen, had laid down their arms; to intimate which to the state they had sent one Lieutenant Colonel Read, from whom they had not heard; and that nevertheless, daily their own and their tenants houses were burnt, their goods taken, and people killed. They desired that I would mediate with the state for a cessation of arms; and that a place might be appointed, where they and their confederates might meet to draw up their grievances, and so have free access, by way of petition, to present them to his majesty. With this letter, I presently sent another from myself to the state, wherein I seemed to wish some good return might be made, but it happened otherwise; for answer to their lordships, they would make none at all, alledging they were rebels and traitors, and after many frivolous exceptions taken to my letter, as one, that I did not also call them rebels and traitors, they admonished me to have nothing to do with them, and instead of licensing me to go for England, they commanded I should not depart the kingdom without leave. All this while from the first opening the ways from Dublin to my house, I was frequently at the English garrisons, and had always with me, either troops or troopers of the English army.

And now finding my unhappiness, that how candid or sincere soever my actions or meaning was, I must still be mistaken; I packed up all I could conveniently carry, and resolved presently to go to Dublin, where I would make my abode, till I had leave to pass for England. But some few days before my intended departure, news was brought me, that by chance some of my friends at Dublin had discovered, that I stood indicted of high treason; for it was done with great secrecy.

Amazed at this sad and unexpected news, the next morning by five of the clock, I posted for Dublin, giving order, that all my best furniture and linen should be presently sent after, which accordingly was done. My stock of all sorts (as the Marquis of Ormond and Sir Arthur Loftus well know) I bestowed for the use of the English army, and desired nothing in recompence, but only that my people, with the remainder of my goods, might be brought safe to Dublin, where I was now gone to purge myself.

But I continued there for many days, without any notice taken of me; though I presently acquainted the lords justices, and many of the council, of my arrival, and the cause; so that it was then thought, and may yet be believed, that they hoped by that indictment, rather to have frightened me, as they had done thousands of others, into rebellion, as they term it, than that they had any good evidence against me.

But I, not willing to lie long under that title of infamy, went myself to the council, took notice of my charge, and desired that with all convenient speed, I might be brought to my purgation.

gation. Hitherto it is evident, I thought not of my escape. The council, after some debate, confined me to master Woodcock's house, one of the sheriffs of Dublin. From whence, after a day or two, I sent a petition to the state, and it was to this effect, laying down by many particulars the improbability of my associating myself in this war, as that I was a peer of England, that the main of my estate lay there, and the little interest or power I had in this kingdom; that my accusers were of base condition, and would have been taken off for a small sum of money, and that two of them, namely, Ennis and his son, ran away from the English colours with their arms, and afterwards served against them at the battle of Kilrush; and the third, William Collis, had been sadder to some of the Irish army, whereby it is most evident, that beside what other reward those men might be promised, they were made sure of their lives; that the jury who found this indictment, on the evidence of these men, were persons of the same nature and condition, as particularly one Francis Dade, who associated himself with the Irish, changed his religion, and went to mass. This man having forfeited his life, according to their rule, they make a leading jurymen, and I believe a witness, he not daring to deny what they would have him do or say. In fine, that there was not one gentleman, or scarce a landed-man amongst them. For these reasons, and for that it had been frequently granted to others in the like case, I desired to be bailed. Answer was returned to this modest petition, that the witnesses were no rebels, but spies; so that what I had said, was no impeachment to their testimonies, and in general they thought not fit to grant the petition. Well, though I thought that as well this answer, as the whole proceedings, somewhat harsh, yet I did not much weigh it; for shortly after was to follow Trinity term. At which time I assured myself, that by my innocence I should be set free both from prison and blame.

Oh! but here I was much deceived. For this term must be otherwise employed. For though, through hanging, racking, and barbarous treating of such as submitted on the king's proclamation, thousands had declared themselves for the country, who were in all post haste going to Dublin, to put themselves under the protection of the state; yet there were as many more that stood at a gaze, as most unwilling to run the common course, and yet loth to be handled after this rude manner. Against these, must bills of indictment presently be drawn, and grand-jury-men picked for the purpose. And to strike the business dead in the eye, fearing these men were not wicked enough, the judges of the king's chief place, on the bench delivered, as part of their charge, that they must not be scrupulous; for that common fame was now evidence enough to find a bill of indictment.

Notwithstanding

Notwithstanding this great and holy employment of these reverend fathers of the law, they must yet do something more to shew their grandeur; that was, I by a habeas corpus must be brought into the court before them, where after I had been sufficiently looked at by their lordships and the people, I was remanded back to the place whence I came, without any thing said unto me. This term finished, and the jury-men having well acted their parts, some of the judges are dispatched for England, to shew there, that the pen in Ireland had been as active as the sword, and that now, for the destruction of at least all the prisoners, there wanted little, but that old saying, Hangman, do your office.

It is no great wonder that now, how innocent soever I was, my head should begin to ache. Yet a session of parliament being shortly to follow, I conceived good hope of fair play there: but when I saw the composition of this great tribunal; that the upper-house consisted of no more than five or six temporal lords, and some bishops; the house of commons (anciently the representative body of the kingdom) for the major part of clerks and clerks-men, few having any land, and those illegally chosen, as by musketeers, and a rabble of such like freeholders; I began to think that such a kind of parliament might err, and feared nothing more than a trial there. And surely I had reason when nothing would serve their turns, but a cessation of Poyning's act, during that session; by which they were freed from transmitting their bills into England, and so might make laws, as in their discretions they thought fit; and I have too great cause to believe, they would have made one for attainting me, and the rest of the prisoners.

All this while, no means are untried to make matter against me; for, as before, witnesses were rewarded, by giving them their lives, being forfeited; so now to others, rough language must be used. One John Bird being examined before Sir Robert Meredith, concerning me, and not answering as was expected, the said Sir Robert demanded his religion, the honest man replied, a protestant: Ah! quoth he, by thy answers thou shouldest have a little pope in thy belly.

And now, having by many such indirect ways, furnished themselves with plenty of evidence, they begin to affront me, by disarming my men, by pulling one master Henry Slingsby out of my chamber, coming by accident with a gentlewoman to visit me, saying he was a Romish popish Jesuit, it being well known, he was no such man; and so carried him to prison.

And lastly, the sheriff's house is now thought too weak for so great a traitor. Hereupon a writ is issued to the sheriff, to bring me with a strong guard to the inns, where the judges were, being near half a mile: from whence I must be sent to the castle, a loathsome prison of itself; but the inhumanity of the gaoler, by
name

name Manwaring, after Hell, makes it the second place for misery and affliction. Well, I thought it now high time, as the judges had summoned my body, I should recollect my wits. And as I stood considering my case, a passage in the Earl of Strafford's trial occurred to my memory. He stood much upon his justification, and demanded the benefit of the law, but master St. John replied, that to hares, deer, and other innocent creatures, law was afforded; but to wolves, foxes, and other such like vermin, any means might be sought for their destruction. Now, I finding myself hitherto dealt with as one of these, although I waved the malice of the wolf, I made some little use of the fox's craft, and for that present feigned myself sick, and on information thereof given, my attendance on the judges was spared till the morrow.

Having thus gained time, I well pondered all which hath been before related, together with, If I were a traitor, to whom it was? The king himself, I found pursued both with men and sword, by an army of his own people; whosoever followed or adhered unto him, declared rebels and traitors; the queen, his royal consort, flying from place to place, like an exiled or banished woman; and, by Mr. Martin's, and divers the like speeches in the house of commons in England, that his sacred majesty was not fit to bear the office of a king, and that he might be deposed; and much more to this effect, as may be seen in divers printed papers: which language in that place going unpunished, I could not conceive that the authors of such insolencies, or the swaying malignant part of the state here, who from time to time took their directions from them, could adjudge any thing against his majesty treason. O, but I remember, that in a book of the king's, relating truly all the passages, from the first of this parliament to the twelfth of August, he complains of two great officers, lately set up in England, who usurped the regal power, the one is a general for the land, the other admiral of the sea: but to these I never owed allegiance, and so consequently could be no traitor to them. I then began to consider the condition of this kingdom, as that the state did chiefly consist of men of mean birth and quality; that most of them steered by the influence and power of those who were in arms against the king: that they had by cruel massacring, hanging and torturing, been the slaughter of thousands of innocent men, women, and children, better subjects than themselves; that they, by all their actions shew, looked at nothing but the extirpating of this nation, the destruction of monarchy, and by the utter suppressing of the ancient catholic religion, to settle and establish puritanism. To these I could be no traitor. Near about the time of this my exigency, I was much cheered by a visit I received from Sir Arthur Loftus, son to Sir Adam Loftus, a leading instrument in all wicked designs against his majesty, telling me (as joyful news) that the parliament had lately given the king a total overthrow;

and that he was now reduced to so low a condition, that by the next, we should certainly hear the king had submitted to the parliament, and till that were done, things would never do well. Here I took my resolution, with God's help, not tamely to die butchered, and so to have my innocency smothered; but to preserve my life, I hoped more to the honour of God, and service of king Charles, and that by escape. Now forasmuch, as the most immediate way into England was blocked up, I resolved upon a trial, to gain a passage by Wexford into France, and from thence into England; conceiving, I should have been forthwith able to have put myself into a sum of money, to have borne my charges, by the sale of such plate, goods, and stock, as I had in the country: but I was not many hours out of Dublin, before I was pursued by some troops of horse, Sir Arthur Loftus leading them, who that night came to my house in the county of Kildare, and missing me, killed some of my servants, hurt divers, and, after having rifled the house, they set it, and all about it, on fire: and besides all my servants prisoners, they carried away more than the worth of five thousand pounds in plate, and other goods.

Here my wings being clipt, all that I had to carry me abroad, or keep me at home, being thus taken from me, together with the distractions in England, so that I could make little or no account of my estate there; in this streight, I thought fit to apply myself to the great assembly of the kingdom of Ireland, who having given me full satisfaction for their assembling, and that their taking arms was but natural, as to defend themselves and theirs from those aforesaid barbarous cruelties; and that they desired (as may appear by many of their instruments in writing) nothing but the free exercise of their ancient religion, their just liberties, and the preservation of this crown unto his majesty, I having some interest both in honour and estate in the country, associated myself with them; and they, after some time that I was amongst them (more out of charity than merit in me) offered me the generalship of their horse, of the province of Leinster, which I thankfully accepted: and now in my colours bear this device, *Sagittæ tuæ acutæ in corda inimicorum regis*. For the executing whereof, I desire God no longer to prosper my actions, than my heart, hand, sword, and prayers, shall be readily and chearfully employed therein.

Having, with much trouble to the reader, endeavoured to vindicate myself in this remonstrance, I conceive it both proper and charitable, in this place, to labour to acquit him, who, I understand, hath unjustly suffered for my sake, I mean sheriff Allen. The protestant sheriff Woodcock, to whose custody only I was committed, went unpunished for my escape, as really he knew nothing thereof. But sheriff Allen being a catholick, who had no charge of me, nor acquaintance with me, other than

than that I often saw him, when he came to treat with his brother sheriff about the city affairs, he, poor innocent man, for so I take God to witness he was as to my escape, or as to any word let fall to that effect to my knowledge, or that I can guess, was, with great inhumanity, dragged to prison, most of his goods seized upon and taken away, and a great number of soldiers cessed upon his house. Whereby, and being made incapable to receive his rents or debts, or to follow any other way he had to gain a living by, his wife and children, from that day forth, were exposed to the charity of their friends, and he condemned to imprisonment for a whole year in misery. How justifiable or conscionable, this proceeding was, I will not argue, much less aggravate, having discharged my conscience thereupon: the matter itself, both to God and the world, crying loud for justice.

NUMB. XI.

[From *Desiderata Curiosa Hibernica*, vol. ii. p. 78.]

The heads of the causes which moved the northern Irish, and Catholicks of Ireland to take arms. Anno 1641.

[See Review, vol. i. p. 190, &c.]

1. IT was plotted and resolved by the puritans of England, Scotland, and Ireland, to extinguish quite the catholick religion, and the professors and maintainers thereof, out of all those kingdoms; and to put all catholicks of this realm to the sword, that would not conform themselves to the protestant religion.

2. The state of Ireland did publickly declare, that they would root out of this realm all the natives, and make a total second conquest of the land, alledging, that they were not safe with them.

3. All the natives here were deprived of the benefit of the ancient fundamental laws, liberties, and privileges, due by all laws and justice to a free people and a nation, and more particularly due by the municipal laws of Ireland.

4. That the subjects of Ireland, especially the Irish, were thrust out forcibly from their ancient possessions, against law, without colour or right; and could not have propriety or security in their estates, goods, or other rights, but were wholly subject to an arbitrary power, and tyrannical government, these forty years past, without hope of relief or redress.

5. Their native youth here, debarred by the practice of state, from all learning and education, in that the one only university here excludes all catholicks thence; neither are they suffered to acquire learning or breeding beyond seas, of purpose to make them rude and ignorant of all letters.

6. The catholicks of this realm are not admitted to any dignity, place, or office, either military or civil, spiritual or temporal, but the same conferred upon unworthy persons, and men of no quality, who purchase it for money, or favour, and not by merit.

7. All the trading, traffick, shipping, and riches of this whole isle, by the corruption of the state, are engrossed by the Dutch, Scottish, and English, not residing here, who exclude the natives wholly from the same; and who return the product, and all their stock and coin back into their native countries.

8. All the staple and rich commodities of the realm are turned to monopolies, and heavy impositions against law laid on all merchandize.

9. The principal native wares of the land exported into foreign parts, unwrought and unmanufactured, thereby depriving the kingdom of all manual trades and occupations; and driving the natives to furnish themselves from head to foot, with manufactures from abroad, at very dear rates.

10. All their heavy and insufferable pressures prosecuted and laboured by the natives of this kingdom, with much suit, expence, and importunity, both in parliament here, and in England before his majesty, to be redressed, yet could never be brought to any happy conclusion, or as much as hope of contentment, but always eluded with delays.

11. Common justice, and the rights and privileges of parliament, denied to all the natives of the realm; and the antient course of parliamentary proceeding wholly declined.

12. His majesty's royal power, honour, prerogative, estate, revenue, and rights, invaded upon, by the puritan faction in England.

13. The government of all his realms, his queen, children, and family, usurped by the parliament of England, and especially by the house of commons; as likewise, the nominating and disposing of his privy council, judges, clergy, officers, navy, forts and castles, arrogated by the said house of commons, leaving his highness nothing, but the bare name of a king.

14. The many affronts and wrongs done by the said house, to the ambassadors of foreign princes, confederates of his majesty, residing in England, and to their chaplains and servants, against the conditions of their league, and the law of nations.

15. The gross injuries and scandal given by the said house of commons to the queen's majesty, and her chaplains and servants, in breach of the articles made upon her marriage.

16. The many horrid murders, robberies, pillages, waste, burnings, and other execrable cruelties, perpetrated of late by the protestant armies here, by publick direction of the state of this realm, upon his majesty's good subjects of the English pale, and other parts of this land, they not offending against the laws

or

or peace of the realm, but merely standing upon their own defence; and this done them against his majesty's pleasure, and without his privity.

17. All the natives in the English plantations of this realm, were disarmed by proclamation, and the protestant plantators armed, and tied by the conditions of their plantations to have arms, and to keep certain numbers of horse and foot continually upon their lands, by which advantage, many thousands of the natives were expelled out of their possessions, and as many hanged by martial law, without cause, and against the laws of this realm; and many of them otherwise destroyed, and made away, by sinister means and practices.

18. Half this realm was found to belong unto his majesty, as his ancient demesne and inheritance, upon old feigned titles of three hundred years past, by juries, against law, their evidence and conscience, who were corrupted to find the said titles, upon promise of part of those lands so found for the king, or other reward, or else were drawn thereunto by threats of the judges in the circuits, or by heavy fines, mulcts, and censure of pillory, stigmatizings, and other like cruel and unusual punishments.

N U M B. XII.

[From Walsh's History of the Irish Remonstrance.]

To the King's most excellent Majesty.

The humble Remonstrance, Acknowledgment, Protestation, and Petition of the Roman Catholick Clergy of Ireland.

[See Review, vol. ii. p. 86.]

YOUR majesties faithful subjects, the Roman catholick clergy of your majesties kingdom of Ireland, do most humbly represent this their present state, and deplorable condition.

That being intrusted by the indispensable commission of the king of kings with the cure of souls, and the care of their flocks, in order to the administration of sacraments, and teaching the people that perfect obedience, which for conscience sake, they are bound to pay to your majesties commands, they are loaden with calumnies, and persecuted with severity.

That being obliged by the allegiance they owe, and ought to swear, unto your majesty, to reveal all conspiracies and practices against your person, and royal authority, that come to their knowledge, they are themselves clamoured against as conspirators, plotting the destruction of the English among them, without any ground that may give the least colour to so foul a crime, to pass for probable in the judgement of an indifferent person.

That

That their crimes are made as numerous, and as divers, as are the inventions of their adversaries : and because they cannot with freedom appear to justify their innocence, all the fictions and allegations against them are received as undoubted verities ; and which is yet more mischievous, the laity, upon whose consciences the character of priesthood gives them an influence, suffer under the supposition of all the crimes thus falsely imputed to them : it being their adversaries principal design, that the Irish, whose estates they enjoy, should be reputed persons unfit, and no way worthy of any title to your majesties mercy.

That no wood comes amiss to make arrows for their destruction ; for, as if the Roman catholic clergy, whom they esteem most criminal, were, or ought to be, a society so perfect, as no evil, no indiscreet person should be found amongst them, they are all of them generally cryed down for any crime, whether true or feigned, which is imputed to one of them ; and as if no words could be spoken, no letter written, but with the common consent of all of them, the whole clergy must suffer for that which is laid to the charge of any particular person amongst them.

We know what odium all the catholick clergy lyes under, by reason of the calumnies with which our tenets in religion, and our dependence upon the pope's authority are aspersed : and we humbly beg your majesties pardon, to vindicate both by the ensuing protestation, which we make in the sight of heaven, and in the presence of your majesty, sincerely and truly, without equivocation, or mental reservation.

We do acknowledge and confess your majesty to be our true and lawful king, supreme lord, and rightful sovereign of this realm of Ireland, and of all other your majesties dominions. And therefore we acknowledge and confess ourselves to be obliged under pain of sin, to obey your majesty in all civil and temporal affairs, as much as any other of your majesties subjects, and as the laws and rules of government in this kingdom do require at our hands. And that, notwithstanding any power or pretension of the pope or see of Rome, or any sentence or declaration of what kind or quality soever, given, or to be given, by the pope, his predecessors, or successors, or by any authority spiritual or temporal proceeding or derived from him, or his see, against your majesty, or royal authority, we will still acknowledge and perform, to the uttermost of our abilities, our faithful loyalty, and true allegiance to your majesty. And we openly disclaim and renounce all foreign power, be it either papal or princely, spiritual or temporal, in as much as it may seem able, or shall pretend to free, discharge, or absolve us from this obligation, or shall any way give us leave or licence to raise tumults, bear armes, or offer any violence to your majesties person, royal authority, or to the state or government. Being all of us ready, not only to discover, and make known to your majesty, and to your ministers,

nisters, all the treasons made against your majesty, or them, which shall come to our hearing, but also to lose our lives in the defence of you majesties person, and royal authority, and to resist with our best endeavours all conspiracies and attempts against your majesty, be they framed, or sent under what pretence, or patronized by what foreign power or authority soever. And further we profess, that all absolute princes, and supreme governors, of what religion soever they be, are God's lieutenants on earth, and that obedience is due to them, according to the laws of each commonwealth respectively, in all civil and temporal affairs. And therefore we do here protest against all doctrine and authority to the contrary.

And we do hold it impious, and against the word of God, to maintain, that any private subject may kill or murder the anointed of God, his prince, though of a different belief and religion from his. And we abhor and detest the practice thereof as damnable and wicked.

These being the tenets of our religion, in point of loyalty and submission to your majesties commands, and our dependence of the See of Rome no way intrenching upon that perfect obedience, which by our birth, and by all laws divine and human, we are bound to pay to your majesty, our natural and lawful sovereign: we humbly beg, prostrate at your majesties feet, that you would be pleased to protect us from the severe persecution we suffer meerly for our profession in religion: leaving those that are, or hereafter shall be guilty of other crimes (and there have been such in all times, as well by their pens, as by their actions) to the punishment prescribed by the law.

Fr. Oliver Darcy, Bishop of Dromore.

Fr. Geo. Dillon, of S. Francis Ord. Guardian of the Irish Franciscans at Paris.

Fr. Philip Roch, of S. Francis Ord. Reader General of Divinity.

Fr. Anthony Gearnon, of S. Francis Ord. one of her majesties the queen mothers chaplains.

Fr. John Everard, of S. Francis Ord. Conf. and Preacher.

Fr. Anthony Nash, of S. Francis Ord. Conf. and Preacher.

Fr. William Linch, of S. Francis Order Conf.

Fr. Nicholas Sall, of S. Francis Ord. Conf. and Preacher.

James Cusack, Doctor of Divinity,

Cornelius Fogorty, Protonot. Apost. and Dr. of the civil and canon law.

Fr. Henry Gibon, of S. Aug. Ord. Conf. and Preacher.

Daniel Dougan, Divine.

Fr. Redmond Moore, of S. Dom. Ord. Conf. and Preacher.

Bartholomew Bellew.

Dennis Fitz Ranna.

Bartholomew

Bartholomew Flemming.

Fr. Peter Walsh, of S. Fran. Ord. Reader of Divinity, and Procurat. of the Rom. Cath. clergy, both Sec. and Reg. of Irel.

Fr. Redmond Caron, of S. Fran. Ord. Reader Jubilante of Divinity.

Fr. Simon Wafre, of the same Ord. Reader of Divinity.

Fr. James Caverly, of S. Francis Ord. Conf. and Preacher.

Fr. John Fitz Gerald, of S. Francis Ord. Conf. and Preacher.

Fr. Theobald Burk, of S. Francis Ord. Conf. and Preacher.

Fr. Matthew Duff, of S. Francis Ord. Conf. and Preacher.

Fr. Peter Geoghegan, of S. Francis Ord. Conf. and Preacher.

N U M B. XIII.

[From Walsh's History of the Irish Remonstrance.]

To the King's most excellent Majesty.

The faithful Protestation, and humble Remonstrance of the Roman Catholick Nobility and Gentry of Ireland.

[See Review, vol. ii. p. 89.]

YOUR majesties faithful subjects, the Roman catholick nobility and gentry of your majesties kingdom of Ireland, out of a deep sense of those prodigious afflictions, under which the monarchy of Great Britain, has before your majesties happy restoration, groaned these twenty years: and out of our sad thoughts, which daily bring more and more sighs from our breasts, and tears from our eyes, for not only the still and yet continued miseries, and sufferings of the catholick natives of this our unfortunate country, even amidst, and ever since, the so much famed joyes and triumphs of your sacred majesties most auspicious inauguration; but also for the causes thereof, (whereinto we have made the most narrow search we could) of these our own unparalleled calamities; and upon reflection upon that allegiance we owe, and ought by all divine and human laws, and which we are, and have been alwayes ready to swear and perform to your majesty, our only soveraign lord on earth; and on the scandal (notwithstanding) which some persons (who are unwilling to understand aright our religion) cast upon it, as if it were not consistent with all dutiful obedience and faith to the supreme temporal magistrate; and upon consideration likewise, of a further tye of conscience on us, for endeavouring, as much as in us lyes, to clear your majesties royal breast from all fears and jealousies whatsoever, if any, peradventure, your majesty entertain of us, through the suggestion of such as hate our communion or nation; and to wipe off that scandal, and allay the odium under which our church hath layn this last century of years,

years, among other christian people in these nations, of a different way from ours in the worship of God ; we humbly crave your majesties pardon, to vindicate both ourselves, and our holy belief, in that particular of our allegiance, by the ensuing protestation. Which (in imitation of the good example given by our clergy, and pursuant to the general doctrine and practice of the catholick church) we make in the sight of heaven, and in the presence of your majesty, sincerely and truly, without equivocation, or mental reservation.

We do acknowledge and confess your majesty to be our true and lawful king, supreme lord, and rightful sovereign of this realm of Ireland, and of all other your majesties dominions. And therefore we acknowledge and confess ourselves to be obliged, under pain of sin, to obey your majesty in all civil and temporal affairs, as much as any other of your majesties subjects, and as the laws and rules of government in this kingdom do require at our hands. And that notwithstanding any power or pretension of the Pope, or See of Rome, or any sentence or declaration, of what kind or quality soever, given, or to be given, by the Pope, his predecessors, or successors, or by any authority, spiritual or temporal, proceeding or derived from him, or his See, against your majesty, or royal authority, we will still acknowledge and perform, to the uttermost of our abilities, our faithful loyalty, and true allegiance to your majesty. And we openly disclaim and renounce all foreign power, be it either papal or princely, spiritual or temporal, in as much as it may seem able, or shall pretend to free, discharge, or absolve us from this obligation, or shall any way give us leave or licence to raise tumults, bear armes, or offer any violence to your majesties person, royal authority, or to the state or government; being all of us ready, not only to discover, and make known to your majesty, and to your ministers, all the treasons made against your majesty or them, which shall come to our hearing, but also to lose our lives in the defence of your majesties person, and royal authority ; and to resist with our best endeavours all conspiracies and attempts against your majesty, be they framed or sent under what pretence, or patronized by what foreign power or authority soever. And further we profess, that all absolute princes, and supreme governors, of what religion soever they be, are God's lieutenants on earth ; and that obedience is due to them, according to the laws of each commonwealth respectively, in all civil and temporal affairs ; and therefore we do here protest against all doctrine and authority to the contrary. And we do hold it impious, and against the word of God, to maintain, that any private subject may kill or murder the anointed of God, his prince, though of a different belief and religion from his. And we abhor and detest the practice thereof as damnable and wicked.

These

These being the tenets of our religion in point of loyalty and submission to your majesties authority, and our observance and veneration of, or communion with, the See of Rome, in matters purely spiritual, no way entrenching on that perfect obedience, which, by our birth, by the laws of God and man, we are bound to pay to your majesty, our natural and lawful sovereign.

Prostrate at your majesties feet, we most humbly beg, that all your majesties Roman catholic subjects of Ireland who shall, by subscription or consent, concur to this publick protestation of loyalty, be protected from persecution, for the profession or exercise of their religion, and all former laws, upon that account, against them repealed.

Luke, Earl of Fingall.
 Mourough, Earl of Inchequin.
 Donoghe, Earl of Clancarthy.
 Oliver, Earl of Tyrconnell.
 Theobald, Earl of Carlingford.
 Edmond, Visc. Montgarrett.
 Thomas Visc. Dillon.
 Arthur Visc. Jueagh.
 William Visc. Clane.
 Charles Visc. Muskry.
 William Visc. Taaffe.
 Oliver, Baron of Lowth.
 Wm. Baron of Castle-Conell.
 Col. Charles Dillon.
 Matthew Plunket, Esq.
 Lieut.-col. Ignatius Nugent.
 Edward Plunket, Esq.
 Nicholas Plunket, Knight.
 Matthew Plunket of Dunfany.
 James Dillon, Knight.
 Col. Christopher Brian.
 Robert Talbot, Baronet.
 Vullick Burk, Baronet.
 Edward Fitz Harris, Baronet.
 Valentine Brown, Baronet.
 Luke Bath, Baronet.
 Henry Slingsby, Knight.
 John Bellew, Knight.
 Col. William Burk.
 Col. John Fitz Patrick.
 Col. Brian Mac Mahon.
 Col. Miles Reilly.
 Col. Gilbert Talbot.
 Col. Milo Power.

Lieut.-col. Pierce Lacy.
 Lieut.-col. Vullick Burk.
 Lieut.-col. Thomas Scurlog.
 Esquires and Gentlemen.
 Jeoffry Brown of Galway.
 John Walsh of Ballyuohar.
 Patrick Brian.
 Ja. Fitz Gerald of Lackagh.
 John Talbot of Malahyde.
 Tho. Luttrell of Luttrellstown.
 John Holywood of Artayne.
 Hen. O'Neill, son to Sir Phelim O'Neill.
 Dudley Bagnell of Dunlickny.
 Henry Dracott of Mornanton.
 Edward Butler of Monihore.
 Nicholas Darcy of Platin.
 Patrick Sarsfield of Lucan.
 Jn. Mac-na-Mara of Creattlagh.
 James Talbot of Bela-connell.
 Robert Balf of Corstown.
 James Talbot of Templeoge.
 Patrick Archer.
 Luke Dowdall of Athlumny.
 Philip Hore of Killsalaghan.
 James Barnewall of Bremore.
 James Allen of Saint Wolstans.
 Tho. Cantuall of Balymakeddy.
 Jn. Cantuall of Cantuells-court.
 Edm. Dillon of Streams-town.
 John Flemming of Stahalmock.
 Peter Sherlog of Gracedieu.
 Christ. Archbold of Tymolin.
 Patrick

Patrick Moore of Duans-town.	William Barioge of Rincorran.
Nicholas Haly of Towrine.	Rich. Strange of Rockwell-castle.
Pierce Butler of Callan.	James Butler of Ballenekill.
Pierce Butler of Killuealegher.	Anthony Colclough.
John Sedgraw of Cabragh.	Tho. Sarsfield of Sarsfields-town.
Richard Wadding of Killbarry.	Pierce Nangle of Monanimy.
Tho. Brown of Clan-Donel-Roe.	Ja. Wolverstown of Stillorgan.
Oliver Caffel of Dundalke.	Michael Brett.
Patrick Clenton of Irish-town.	Patrick Boyton of Bally-turny-mac-oris.
Capt. Christopher Turner.	James White of Chambolly.
John Baggot.	Major Lawrence Dempfy.
William Grace.	Captain Richard Dempfy.
John Arthur of Hogestown.	Edward Nugent of Calvin.
Marcas Laffan of Greats-town.	Patrick Porter of Kingston.
Christ. Aylmer of Balrath.	Major Marcus Furlong.
James Plunkett of Gibston.	
Tho. St. John of Mortles-town.	

N U M B. XIV.

[From Lesley's Answer to King. Append.]

Extract of Dr. Gorge, Secretary to General Schomberg in Ireland, his Letter, dated April (or May) 1690, to Colonel James Hamilton, in London, to be communicated to the Lady Viscountess Ranelagh, the Lord Massareen, and others.

[See Review, vol. ii. p. 159.]

YOU know how often and how early we pressed the necessity of restoring a civil government in this province, and how often and openly we declared that the ruine of the countrey must be the prejudice, and endanger the ruine of the army ; and that there could be found no hands so cheap and easie to be got, or any that would be more hearty and faithfull than the protestants of this countrey, who having their particular interests seconded by natural and religious motives, must be more zealous in carrying on this war, than any foreign or mercenary soldiers, as is evident by what has been done by the Londonderry and Eneskillen soldiers, who are and were made up of the meanest and lowest people of this and the neighbouring provinces. You cannot forget who offered, and that at their own charge, on our first landing here, to block up Charlemont, and to raise regiments to secure the northern garrisons, that the established army, might have the more leisure to attend the motions of the publick enemy ; and I presume you cannot but as well remember, who ridiculed, scorned, and contemned all motions of that kind, and who affirmed,

affirmed, and that openly, that the protestants of this province, ought rather to be treated as enemies than friends, and that the best of them had either basely complied with K. J. and his party, or cowardly left and deserted their countrey; that the goods and stocks of the protestant inhabitants, once seized by the enemy, were forfeited, and ought not to be restored, but given as encouragement to the soldiers; that all papists ought to be plundered, and none protected; that the restoration of civil government was a diminution of the power of the general and the army, and that all the protestants, inhabitants of this province, were false to the present government, and ought not to be trusted with places of trust or power; that as their persons were not to be trusted, so their oaths and complaints were neither to be believed nor redressed; that so an easier and a safer approach might be made to invade the little left them by the Irish.

That all endeavours of the settlement of a publick revenue were designs to oppress the army; that free quartering was the least retaliation that protestants could give for being restored to their former estates; that religion is but canting, and debauchery the necessary character of soldiers. If to these you add the pressing of horses at pleasure, quartering at pleasure, robbing and plundering at pleasure, denying the people bread or seed of their own corn, though the general by his publick proclamation requires both; and some openly and publickly contemning and scorning the said proclamation; whereby multitudes of families are already reduced to want of bread, and left only to beg, or steal, or starve. These being the practices, and these the principles, and both as well known to you as to me; can it be wondered that the oppressed protestants here should report us worse than the Irish? Or can it be wondered that God should pursue us with his dreadful judgments, who have so provoked him with our daring sins? Or can we rationally expect God should fight for us, while we thus fight against him? We may as well expect grapes from thornes, and figs from thistles, as success to a protestant cause from such hands. Can we expect Sodom to destroy Babylon, or debauchery to destroy popery? Our enemy fights with the principle of a mistaken conscience against us, we against the conviction of our own principles against them. What I have learned of the enemies principles and practices since I left you, I shall here inform you, and reduce what I have to say to these two general heads.

I. The frequent discourse of their king.

II. His public declarations and proclamations for the well-government of his army.

I. As to his private discourse.

1. He expresseth great zeal, and passionate affection to his English subjects, in so much that both French and Irish often say

say of him, as he did of King David, That he loves his enemies, and hates his friends.

2. He is heard often to desire his officers, That in their engagement with the English, they should be treated as mistaken subjects, and not as obstinate rebels.

3. He is heard often to declare, that since he rightly understood christianity, he ever asserted christian liberty, as well in his past prosperity, as present adversity.

4. That all persuasions in matters of religion, Who have most charity and least of severity, are most agreeable to christianity.

5. He is often heard to complain, That he ever observed, an aptitude and propensity in persons of power to persecute such as differ from them.

6. That this natural aptitude to persecute, ought to be restrained by wholesome and effectual laws.

7. That this persecuting spirit influencing the greater number of all persuasions, especially persons in power, is the only cause of his majesty's present sufferings.

8. He is passionately kind to all deserters, and chearfully receives and soon prefers them.

9. He pretending his sufferings to be thus on the account of conscience, seems not to doubt, but God will find some unexpected means, for his restoration, in 1690, as he did in 1660.

10. He is heard frequently to declare against the dragooning persecution of France, and the barbarous and inhumane murders committed on the protestants of this kingdom in the year 1641, as passionately, and perhaps as sincerely as the Scribes and Pharisees did against their forefathers for persecuting the prophets.

To these I think fit to add the particulars of his majesty's publick declarations, which are ordered to be read once every two months in the head of every troop and company in his whole army, and to be fixed up in all the boroughs and market-towns in this kingdom.

1. His majesty is pleased earnestly to recommend the performance of publick and private duties to God, to all under his command, and particularly recommends to the Roman catholicks of his army frequent confessions, and strict observation of Sundays and Holy-days.

2. He publicly declares what subsistence he allows to every horse, dragoon, and every private foldier in his army, and what is reserved in the paymaster's hands for the accoutrements and the hospital.

3. He avoids and forbids as unnecessary, the charge of all agents, and commands the majors of every regiment to do that work, and to save the charge.

4. He strictly requires the private foldier out of the said subsistence duly and truly to pay his quarters.

5. In

5. In case they shall want their subsistence, they are then required every week to give their respective landlords a note under their hands, which shall be received by the receiver general, as so much money out of any branch of his majesty's revenue.

6. His majesty forbids all straggling of private soldiers from their garrisons without their officers pass; and requires all officers, either military or civil, to apprehend such soldiers having no pass, and to send them to their colours, to receive punishment according to their demerits.

7. His majesty by the same proclamation, forbids all plundering on any pretence whatsoever, under pain of death without mercy.

8. He requires both officers and soldiers under the pain of his high displeasure to demean and behave themselves civilly and respectfully in their respective quarters; and to assist and not obstruct the civil magistrates in the execution of their respective trusts, especially the officers concerned in and about his majesty's revenue.

9. He forbids all officers and soldiers to quarter themselves on any of his majesty's subjects, without having a billet or ticket under the hand of the constable or other civil officer of the place.

10. He strictly forbids pressing any countrey-man's horse on any pretence whatsoever, without having his majesty, his captain general, his lord lieutenant, or deputy lieutenant's license for his so doing; and then allows them to press the said horse but one day's journey, and to see that the horse be returned as well as when received; and particularly forbids the pressing any horse belonging to any plough.

11. His majesty in the same proclamation, enjoyns severe penalties on all forestallers or obstructers of provision going to either camp or market.

Lattly, The respective penalties enjoyned in the said proclamation, are severely and impartially executed on the respective offenders. My family tells me, that the week before they left Dublin, there were two private soldiers executed before a protestant baker's door, for stealing two loaves not worth a shilling. And a fortnight before, a lieutenant and ensign were publicly executed at a place where, on pretence of the king's service, they pressed a horse going with provisions to Dublin market; two others were condemned and expected daily to be executed for the like offence: these severe examples confirming the penalties of these publick declarations, contribute so much to the quiet of the countrey, that were it not for the countrey raparees and tories, theirs, 'tis thought, would be much quieter than ours. Some of our foreigners are very uneasy to us; had not the prudence of a discreet major prevented it, last Sunday was seven night had been a bloody day between some of the Danish foot and Colonel Langston's regiment of horse. The truth is,
too

too many of the English, as well as Danes and French are highly oppressive to the poor countrey; whereas our enemy have reduced themselves to that order, that they exercise violence on none, but the proprieties of such as they know to be absent, or, as they phrase it, in rebellion against them, whose stock, goods, and estates are seized, and set by the civil government, and the proceed applied for and towards the charge of the war. And for their better direction in their seizures, it's reported and believed, that they have copies of the particulars of the protestants losses, given in to the committee of the late house of commons at Westminster.

N U M B. XV.

A Protestation of Allegiance, by thirteen Missioners, to Queen Elizabeth, January 31st, 1602. Taken from Henry Moore's History of the English Jesuits.

WHEREAS it hath pleased our dread sovereign lady, to take some notice of the faith and loyalty of us, her natural born subjects, secular priests, (as it appeareth in her late proclamation) and, of her princely clemency, to give a sufficient earnest of some merciful favour towards us (being all subject, by the laws of the realm, unto death, by our return into the country, after our taking the order of priesthood, since the first year of her majesty's reign) and only to demand of us a true profession of our allegiance, thereby to be assured of our fidelity to her majesty's person, and crown, estate and dignity: we, whose names are underwritten, in most humble wise prostrate at her majesty's feet, do acknowledge ourselves infinitely bound unto her majesty therefore; and are most willing to give such assurance and satisfaction in this point, as any catholic priests can, or ought to give unto their sovereign.

First, Therefore, we acknowledge and confess the queen's majesty to have as full authority, power, and sovereignty over us, and over all the subjects of the realm, as any her highness's predecessors ever had. And farther, we protest, that we are most willing and ready to obey her in all cases and respects, as far forth as ever christian priests within this realm, or in any other christian country, were bound by the law of God, and christian religion, to obey their temporal prince; as to pay tribute and all other regal duties unto her highness; and to obey her laws, and magistrates, in all civil causes; to pray to God for her prosperous and peaceful reign in this life, according to his blessed will; and that she may hereafter attain everlasting bliss in the life to come. And this our acknowledgement we think to be so grounded upon
the

the word of God, that no authority, no cause, or pretence can, or ought, upon any occasion, to be a sufficient warrant, more unto us, than to any protestant, to disobey her majesty in any civil, or temporal matter.

Secondly, Whereas for these many years past diverse conspiracys against her majesty's person and estate, and sundry forcible attempts of * invading and conquering her dominions, have been made, under we know not what pretences and indentments of restoring the catholic religion by the sword (a course most strange in the world, undertaken peculiarly and solely against her majesty and her kingdoms, and unknown among other princes departed from the religion and obedience of the See Apostolic no less than she) by reason of which violent enterprizes, her majesty, otherwise of singular clemency towards her subjects, hath been greatly moved to ordain and execute severer laws against catholics (which, by reason of their union with the See Apostolic, in faith and religion, were easily supposed to favour these conspiracys and invasions) than perhaps, had ever been enacted, or thought upon, if such hostilities and wars had never been undertaken : we, to assure her majesty of our faithful loyalty also in this particular cause, do sincerely protest, and, by this our public act, make known to all the christian world, that in these cases of conspiracys, and practising her majesty's death ; of invasions, or whatsoever forcible attempts, which may hereafter be made by any foreign prelate, prince, or potentate whatsoever, either jointly, or severally, for the disturbance, or subversion, of her majesty's person, estate, realm, or dominions, under colour, shew, or pretence, or indentment, of restoring the catholic religion in England, or Ireland ; we will defend her majesty's person, estate, realms, and dominions, from all such forcible and violent assaults and injuries. And moreover, we will not only ourselves detect, and reveal any conspiracys, or plots, which we shall understand to be undertaken by any prelate, prince or potentate, against her majesty's person or dominions, for any cause whatsoever (as is before expressed) and likewise, to the best of our power, resist them ; but also will earnestly persuade, as much as in us lieth, all catholics to do the same.

Thirdly, If upon any excommunications denounced against her majesty, upon any such conspiracys, invasions, or forcible attempts, to be made, as are before expressed, the pope should also excommunicate every one born within her majesty's dominions, that would not forsake the aforesaid defence of her majesty and her realms, and take part with such conspirators or invaders : in these, and all other such like cases, we do think ourselves, and all the lay-catholics born within her majesty's dominions, bound in conscience not to obey this, or any such like
censure ;

* The Spanish Armada in 1588.

censure ; but will defend our prince and country, accounting it our duty so to do, and, notwithstanding any authority, or any excommunication whatsoever, either denounced, or to be denounced, (as is before said) to yield unto her majesty all obedience in temporal causes.

And because nothing is more certain, than that, whilst we endeavour to assure her majesty of our dutiful affection and allegiance, by this our christian and sincere protestation, there will not want such as will condemn and misconstrue our lawful act ; yea, and by many sinister suggestions and calumnies, discredit our doings with the christian world ; but chiefly with the pope's holyness ; to the greatest prejudice and harm of our good names and persons, that may be ; unless maturely we prevent their endeavours therein : we most humbly beseech her majesty, that, in this our recognizing and yielding Cæsar's due unto her, we may also, by her gracious leave, be permitted, for avoiding obloquies and calumnies, to make known, by like public act, that, by yielding her right unto her, we depart from no bond of that christian duty, which we owe unto our supreme spiritual pastor : and, therefore, we acknowledge and confess the Bishops of Rome to be the successors of St. Peter, in that See ; and to have as ample, and no more authority or jurisdiction over us, and other christians, than had that apostle, by the gift and commission of Christ our Saviour ; and that we will obey him so far forth, as we are bound by the laws of God to do ; which we doubt not but will stand well with the performance of our duty to our temporal prince, in such sort as we have before professed. For as we are most ready to spend our blood in the defence of her majesty, and our country, so we will rather lose our lives, than infringe the lawful authority of Christ's catholic church.

Robert Drury,	Anthony Champney,	Robert Charnock,
John Jackson	William Bishop,	John Boswille,
Francis Barnaby,	John Colleton,	Antony Hepburn,
Oswald Needham,	John Mush,	Roger Cadwallar.
Richd. Button,		

N. B. Dr. William Bishop, who was principally concerned in drawing up this protestation, was afterwards appointed by the See of Rome, Bishop of Chalcedon. Dod's Eccl. Hist. vol. ii.

N U M B. XVI.

[Account of the Debates on the Popery Laws, 2 Ann.]

The several Arguments of Sir Theobald Butler, Counsellor Malone, and Sir Stephen Rice, at the Bar of the House of Commons of Ireland, February 22d; and at the Bar of the House of Lords, February 28th, 1703, against passing the Bill intituled, An Act to prevent the further Growth of Popery.

[See Review, vol. ii. p. 237.]

THE papists of Ireland observing, that the house of commons were preparing the heads of a bill to be transmitted to England, to be drawn up into an act, *to prevent the further growth of popery*, and having in vain endeavoured to put a stop to it there; at its remittance back again to Ireland, presented to the house of commons a petition in the names of Nicholas Lord Viscount Kingland, Colonel J. Brown, Colonel Burk, Colonel Robert Nugent, Major Pat. Allen, Captain Arthur French, and other Roman catholics of Ireland, praying to be heard by their counsel against the passing the said bill, then under consideration of the said house; and to have a copy of the bill, and a reasonable time to speak to it before it passed. Which petition being referred to the committee of the whole house, to whom the consideration of the said bill was referred, it was ordered, that the petitioners should have a copy of the said bill, and be heard by their counsel, before the said committee.

And in pursuance of that order, Sir Theobald Butler, Counsellor Malone, and Sir Stephen Rice, (the two first in their gowns as counsel for the petitioners in general, and the last without a gown, only as a petitioner in his private capacity) together with many others, upon Tuesday the 22d of February, 1703, appeared at the bar of the said house of commons, where Sir Theobald Butler first moved and acquainted the house, that, “by the permission of that house, he was come thither in behalf of himself, and the rest of the Roman catholics of Ireland comprised in the *Articles of Limerick and Galway*, to offer some reasons, which he and the rest of the petitioners, judged very material against passing the bill, intituled, *An act to prevent the further growth of popery*; that by leave of the house, he had taken a copy of the said bill (which he had there in his hand), and with submission, looked upon it to tend to the destroying of the said articles, granted upon the most valuable considerations of surrendering the said garrisons,

at

at a time when they had the sword in their hands; and for any thing that then appeared to the contrary, might have been in a condition to hold out much longer, and when it was in their power to demand, and make for themselves such terms, as might be for their then future liberty, safety and security: and that too, when the allowing such terms, were highly advantageous to the government, to which they submitted; as well for uniting the people, that were then divided, quieting and settling the distractions and disorders of this then miserable kingdom, as for the other advantages the government would thereby reap in its own affairs, both at home and abroad; when its enemies were so powerful both by sea and land, as to give doubt or interruption, to its peace and settlement.

“ That by such their power, those of Limerick did for themselves, and others therein comprized, obtain, and make such articles, as by which, all the Irish inhabitants in the city and county of Limerick, and in the counties of Clare, Kerry, Cork, Sligo and Mayo, had full and free pardon of and for all attainders, outlawries, treasons, misprision of treasons, felonies, trespasses and other crimes whatever, which at any time from the beginning of king James the Second, to the 3d of October 1691, had been acted, committed, or done by them, or any of them; and by which they and their heirs were to be forthwith put in possession of, and for ever possess, and enjoy all and every of their freeholds and inheritance; and all their rights, titles, and interests, privileges and immunities, which they and every of them held and enjoyed, and by the laws in force were entituled unto, in the reign of king Charles II. or at any time since, by the laws and statutes that were in force in that reign, &c. And thereupon read so much of the second article of Limerick, as tended to that purpose.

“ That in the reign of king Charles the Second, the petitioners, and all that were entituled to the benefit of those articles, were in such full and free possession of their estates; and had the same power to sell, or otherwise to dispose, or convey them, or any other thing they enjoyed; and were as rightfully intituled to all the privileges, immunities and other advantages whatever, according to the laws then in force, as any other subjects whatsoever, and which, therefore, without the highest injustice, could not be taken from them, unless they had forfeited them themselves.

“ That if they had made any such forfeiture, it was either before or after the making the said articles: if before, they had a full and free pardon for that by the said articles, &c. and therefore are not accountable by any law now in force for the same; and for that reason not now to be charged with it, and since they cannot be charged with any general forfeiture of those articles since, they at that same time remained as absolutely

intituled to all the privileges, advantages and benefits of the laws both already made, and hereafter to be made, as any other of her majesty's subjects whatsoever.

“ That among all societies there were some ill people, but that by the 10th article of Limerick the whole community is not to be charged with, nor forfeit by, the crimes of particular persons.

“ That there were already wholesome laws in force sufficient, and if not, such as were wanting might be made, to punish every offender according to the nature of the crime : and in the name of God let the guilty suffer for their own faults ; but the innocent ought not to suffer for the guilty, nor the whole for any particular. That surely they would not now (they had tamely got the sword out of their hands) rob them of what was then in their power to have kept ; for that would be unjust, and not according to that golden rule, to do as they would be done by, was the case reversed, and the contrary side their own.

“ That the said articles were first granted them by the general of the English army, upon the most important consideration of getting the city of Limerick into his hands (when it was in a condition to have held out, till it might have been relieved by the succours then coming to it from France) and for preventing the further effusion of blood, and the other ill consequences which (by reason of the then divisions and disorders) the nation then laboured under ; and for reducing those in arms against the English government to its obedience.

“ That the said articles were signed and perfected by the said general, and the then lords justices of this kingdom ; and afterwards ratified by their late majesties, for themselves, their heirs and successors ; and have been since confirmed by an act of parliament in this kingdom, viz. stat. 9. Guil. 3. ses. 4. chap. 27. (which he there produced and pleaded), and said could not be avoided without breaking the said articles, and the public faith thereby plighted to all those comprised under the said articles, in the most solemn and engaging manner, 'tis possible for any people to lay themselves under ; and than which nothing could be more sacred and binding. That therefore to violate, or break those articles, would on the contrary be the greatest injustice possible for any one people of the whole world to inflict upon another, and which is contrary to both the laws of God and man.

“ That pursuant to these articles, all those Irish then in arms against the government, did submit thereunto, and surrendered the said city of Limerick, and all other garrisons then remaining in their possession ; and did take such oaths of fidelity to the king and queen, &c. as by the said articles they were obliged to, and were put into possession of their estates, &c.

“ That

“ That such their submission was upon such terms, as ought now, and at all times to be made good to them: but that if the bill then before the house, intituled, An act to prevent the further growth of popery, should pass into a law (which, said he, God forbid!) it would be not only a violation of those articles, but also a manifest breach of the public faith, of which the English had always been most tender in many instances, some of which he there quoted; and that, in particular, in the preamble of the act before mentioned, made for confirmation of these articles, wherein there is a particular regard, and respect had to the public faith.

“ That since the said articles were thus under the most solemn ties, and for such valuable considerations granted the petitioners, by nothing less than the general of the army, the lords justices of the kingdom, the king, queen, and parliament, the public faith of the nation was therein concerned, obliged, bound, and engaged, as fully and firmly, as was possible for one people to pledge faith to another; that therefore this parliament could not pass such a bill, as that intituled, An act to prevent the further growth of popery, then before the house, into a law, without infringing those articles, and a manifest breach of the public faith; of which he hoped that house, would be no less regardful, and tender, than their predecessors, who made the act for confirming those articles had been.

“ That the case of the Gibeonites, 2 Sam. xxi. 1. was a fearful example of breaking of public faith, which above 100 years after brought nothing less, than a three years famine upon the land, and stayed not till the lives of all Saul's family atoned for it.

“ That even among the heathens, and most barbarous of nations, all the world over, the public faith had always been held most sacred and binding, that surely it would find no less a regard in that august assembly.

“ That if he proved that the passing that act, was such a manifest breach of those articles, and consequently of the public faith, he hoped that honourable house would be very tender how they passed the said bill before them into a law; to the apparent prejudice of the petitioners, and the hazard of bringing upon themselves and posterity, such evils, reproach and infamy, as the doing the like had brought upon other nations and people.

“ Now, that the passing such a bill as that then before the house to prevent *the further growth of popery*, will be a breach of those articles, and consequently of the public faith, I prove (said he) by the following argument.

“ The argument then is (said he) whatever shall be enacted to the prejudice or destroying of any obligation, covenant or contract, in the most solemn manner, and for the most valuable consideration entered into, is a manifest violation and destruction

struction of every such obligation, covenant and contract: but the passing that bill into a law, will evidently and absolutely destroy the articles of Limerick and Galway, to all intents and purposes, and therefore the passing that bill into a law, will be such a breach of those articles; and consequently of the public faith, plighted for performing those articles; which remained to be proved.

“ The major is proved (said he) for that whatever destroys or violates any contract or obligation, upon the most valuable considerations, most solemnly made and entered into; destroys and violates the end of every such contract or obligation: but the end and design of those articles was, that all those therein comprized, and every of their heirs, should hold, possess, and enjoy all and every of their estates of freehold and inheritance, and all the rights, titles, and interests, privileges and immunities, which they and every of them held, enjoyed, or were rightfully entituled to, in the reign of king Charles the Second; or at any time since, by the laws and statutes that were in force in the said reign in this realm: but that the design of this bill, was to take away every such right, title, interest, &c. from every father being a papist, and to make the popish father, who, by the articles and laws aforesaid, had an undoubted right, either to sell or otherwise at pleasure to dispose of his estate, at any time of his life, as he thought fit; only tenant for life: and consequently disabled from selling, or otherwise disposing thereof, after his son or other heir should become protestant; though otherwise never so disobedient, profligate, or extravagant: Ergo, this act tends to the destroying the end for which those articles were made, and consequently the breaking of the public faith, plighted for their performance.

“ The minor is proved by the 3d, 4th, 5th, 6th, 7th, 8th, 9th, 15th, 16th, and 17th, clauses of the said bill, all which (said he) I shall consider and speak to, in the order as they are placed in the bill.

“ By the first of these clauses (which is the third of the bill), I that am the popish father, without committing any crime against the state, or the laws of the land, (by which only I ought to be governed) or any other fault; but meerly for being of the religion of my fore-fathers, and that which, till of late years, was the ancient religion of these kingdoms, contrary to the express words of the second article of Limerick, and the public faith, plighted as aforesaid for their performance; am deprived of my inheritance, freehold, &c. and of all other advantages which by those articles, and the laws of the land, I am entituled to enjoy, equally with every other of my fellow subjects, whether protestant or popish. And though such my estate be even the purchase of my own hard labour and industry: yet I shall not (though my occasions be never so pressing), have liberty (after
my

my eldest son or other heir becomes a protestant) to sell, mortgage, or otherwise dispose of, or charge it for payment of my debts; or have leave out of my own estate, to order portions for my other children; or leave a legacy, though never so small, to my poor father or mother, or other poor relations; but during my own life, my estate shall be given to my son or other heir being a protestant, though never so undutiful, profligate, extravagant, or otherwise undeserving; and I that am the purchasing father, shall become tenant for life only, to my own purchase, inheritance and freehold; which I purchased with my own money: and such my son or other heir, by this act, shall be at liberty to sell, or otherwise at pleasure to dispose of my estate, the sweat of my brows, before my face; and I that am the purchaser, shall not have liberty to raise one farthing upon the estate of my own purchase, either to pay my debts, or portion my daughters, (if any I have) or make provisions for my other male children, though never so deserving and dutiful: but my estate, and the issues and profits of it, shall, before my face, be at the disposal of another, who cannot possibly know, how to distinguish between the dutiful and undutiful, deserving or undeserving. Is not this, gentlemen, (said he) a hard case? I beseech you, gentlemen, to consider, whether you would not think it so, if the scale was changed, and the case your own, as it is like to be ours, if this bill pass into a law.

“ It is natural for the father to love the child, but we all know (says he), that children are but too apt and subject, without any such liberty as this bill gives, to slight and neglect their duty to their parents; and surely such an act as this, will not be an instrument of restraint, but rather encourage them more to it.

“ It is but too common with the son, who has a prospect of an estate, when once he arrives at the age of one and twenty, to think the old father too long in the way, between him and it; and how much more will he be subject to it, when by this act, he shall have liberty before he comes to that age, to compel and force my estate from me, without asking my leave, or being liable to account with me for it, or out of his share thereof, to a moiety of the debts, portions, or other incumbrances, with which the estate might have been charged, before the passing this act.

“ Is not this against the laws of God and man? against the rules of reason and justice; by which all men ought to be governed? Is not this the only way in the world, to make children become undutiful? and to bring the grey-head of the parent to the grave, with grief and tears.

“ It would be hard from any man, but from a son, a child, the fruit of my body, whom I have nursed in my bosom, and tended

dred more dearly than my own life, to become my plunderer, to rob me of my estate, to cut my throat, and to take away my bread; is much more grievous than from any other; and enough to make the most flinty of hearts to bleed, to think on't. And yet this will be the case if this bill pass into a law; which I hope this honourable assembly will not think of, when they shall more seriously consider, and have weighed these matters.

“ For God's sake, gentlemen, will you consider whether this is according to the golden rule, to do as you would be done unto? And if not, surely you will not, nay you cannot, without being liable to be charged with the most manifest injustice imaginable, take from us our birth-rights, and invest them in others before our faces.

“ By the 4th clause of the bill, the popish father is under the penalty of 500*l.* debarred from being guardian to, or having the tuition or custody of his own child or children: but if the child pretends to be a protestant, though never so young, or incapable of judging of the principles of any religion, it shall be taken from its own father, and put into the hands or care of a protestant relation, if any there be qualified as this act directs, for tuition, though never so great an enemy to the popish parent; and for want of relations so qualified, into the hands and tuition of such protestant stranger, as the court of chancery shall think fit to appoint; who perhaps may likewise be my enemy, and out of prejudice to me who am the popish father, shall infuse into my child, not only such principles of religion, as are wholly inconsistent with my liking; but also against the duty which by the laws both of God and nature, is due from every child to its parents: And it shall not be in my power to remedy, or question him for it; and yet I shall be obliged to pay for such education, how pernicious soever. Nay if a legacy or estate fall to any of my children, being minors, I that am the popish father, shall not have the liberty to take care of it, but it shall be put into the hands of a stranger; and though I see it confounded before my face, it shall not be in my power to help it. Is not this a hard case, gentlemen? I am sure you cannot but allow it to be a very hard case.

“ The 5th clause, provides that no protestant or protestants, having any estate real or personal, within this kingdom, shall at any time after the 24th of March 1703, inter-marry with any papist, either in or out of this kingdom, under the penalties in an act made in the 9th of king William, intituled, an act to prevent protestants inter-marrying with papists; which penalties, see in the 5th clause of the act itself.

“ Surely, gentlemen, this is such a law as was never heard of before, and against the law of right, and the law of nations; and therefore a law which is not in the power of mankind

kind to make, without breaking through the laws which our wise ancestors prudently provided for the security of posterity, and which you cannot infringe, without hazarding the undermining the whole legislature, and incroaching upon the privileges of your neighbouring nations, which it is not reasonable to believe they will allow.

“ It has indeed been known, that there hath been laws made in England, that have been binding in Ireland : but surely it never was known, that any law made in Ireland, could affect England or any other country. But by this act, a person committing matrimony (an ordinance of the Almighty) in England, or any other part beyond the seas (where it is lawful both by the laws of God and man, so to do) if ever they come to live in Ireland, and have an inheritance or title to any interest to the value of 500l. they shall be punished for a fact consonant with the laws of the land where it was committed. But, gentlemen, by your favour, this is what, with submission, is not in your power to do : For no law that either now is, or that hereafter shall be in force in this kingdom, shall be able to take cognizance of any fact committed in another nation : nor can any one nation make laws for any other nation, but what is subordinate to it, as Ireland is to England ; but no other nation is subordinate to Ireland ; and therefore any laws made in Ireland, cannot punish me for any fact committed in any other nation, but more especially England, to whom Ireland is subordinate : And the reason is, every free nation, such as all our neighbouring nations are, by the great law of nature, and the universal privileges of all nations, have an undoubted right to make, and be ruled and governed by laws of their own making : For that to submit to any other, would be to give away their own birth-right, and native freedom ; and become subordinate to their neighbours, as we of this kingdom, since the making of Poyning's act, have been, and are to England. A right which England would never so much as endure to hear of, much less to submit to.

“ We see how careful our forefathers have been to provide that no man should be punished in one county (even of the same nation) for crimes committed in another county ; and surely it would be highly unreasonable, and contrary to the laws of all nations in the whole world, to punish me in this kingdom, for a fact committed in England, or any other nation, which was not against, but consistent with the laws of the nation where it was committed. I am sure there is not any law in any other nation of the world that would do it.

“ The 6th clause of this bill, is likewise a manifest breach of the second of Limerick articles, for by that article, all persons comprized under those articles, were to enjoy, and have the full benefit of all the rights, titles, privileges and immunities

ties whatsoever, which they enjoyed, or by the laws of the land then in force, were entituled to enjoy, in the reign of king Charles II. And by the laws then in force, all the papists of Ireland had the same liberty, that any of their fellow subjects had, to purchase any manors, lands, tenements, hereditaments, leases of lives, or for years, rents, or any other thing of profit whatsoever: But by this clause of this bill, every papist or person professing the popish religion, after the 24th of March 1703, is made incapable of purchasing any manors, lands, tenements, hereditaments, or any rents, or profits out of the same; or holding any lease of lives, or any other lease whatsoever, for any term exceeding thirty-one years; wherein a rent, not less than two-thirds of the improved yearly value, shall be reserved, and made payable, during the whole term: and therefore this clause of this bill, if made into a law, will be a manifest breach of those articles.

“ The 7th clause is yet of much more general consequence, and not only a like breach of those articles, but also a manifest robbing of all the Roman catholics of the kingdom of their birth-right: For by those articles, all those therein comprized, were (said he) pardoned all misdemeanors whatsoever, of which they had in any manner of way been guilty; and restored to all the rights, liberties, privileges and immunities whatever, which, by the laws of the land, and customs, constitutions and native birth-right, they, any, and every of them, were, equally with every other of their fellow-subjects, intituled unto. And by the laws of nature and nations, as well as by the laws of the land, every native of any country, has an undoubted right and just title to all the privileges and advantages, which such their native country affords: And surely no man but will allow, that by such a native right, every one born in any country, hath an undoubted right to the inheritance of his father, or any other, to whom he, or they may be heir at law: But if this bill pass into a law, every native of this kingdom, that is and shall remain a papist, is, *ipso facto*, during life, or his or their continuing a papist, deprived of such inheritance, devise, gift, remainder, or trust, of any lands, tenements, or hereditaments, of which any protestant now is, or hereafter shall be seized in fee-simple absolute, or fee-tail, which by the death of such protestant, or his wife, ought to descend immediately to his son or sons, or other issue in tail, being such papists, and 18 years of age; or, if under that age, within six months after coming to that age, shall not conform to the church of Ireland, as by law established; and every such devise, gift, remainder, or trust, which, according to the laws of the land, and such native right, ought to descend to such papist, shall, during the life of such papist (unless he forsake his religion), descend to the nearest relation that is a protestant,

tant, and his heirs, being and continuing protestants, as though the said popish heir and all other popish relations were dead; without being accountable for the same: Which is nothing less than robbing such popish heir of such his birth-right; for no other reason, but his being and continuing of that religion, which by the first of Limerick articles, the Roman catholics of this kingdom were to enjoy, as they did in the reign of king Charles II. and then there was no law in force, that deprived any Roman catholic of this kingdom of any such their native birth-right, or any other thing, which, by the laws of the land then in force, any other fellow-subjects were intitled unto.

“ The 8th clause of this bill, is to erect in this kingdom a law of *gavel-kind*, a law in itself so monstrous and strange, that I dare say, this is the first time it was ever heard of in the world; a law so pernicious and destructive to the well-being of families and societies, that in an age or two, there will hardly be any remembrance of any of the ancient Roman catholic families known in the kingdom; a law which, therefore, I may again venture to say, was never before known or heard of in the universe!

“ There is, indeed, in Kent, a custom, called the Custom of Gavel-kind; but I never heard of any law for it till now; and that custom is far different from what by this bill is intended to be made a law; for there, and by that custom, the father, or other person, dying possessed of any estate of his own acquisition, or not entailed, (let him be of what persuasion he will) may by will bequeath it at pleasure: Or if he dies without will, the estate shall not be divided, if there be any male heir to inherit it; but for want of male heir, then it shall descend in Gavel-kind among the daughters, and not otherwise. But by this act, for want of a protestant heir, enrolled as such within three months after the death of such papist, to be divided, share and share like, among all his sons; for want of sons, among his daughters; for want of such, among the collateral kindred of his father; and in want of such, among those of his mother; and this is to take place of any grant, settlement, &c. other than sale, for valuable consideration of money, really, *bona fide*, paid. And shall I not call this a strange law? Surely it is a strange law, which, contrary to the laws of all nations, thus confounds all settlements, how antient soever, or otherwise warrantable by all the laws heretofore in force, in this, or any other kingdom!

“ The 9th clause of this act, is another manifest breach of the articles of Limerick; for by the 9th of those articles, no oath is to be administered to, nor imposed upon such Roman catholics, as should submit to the government, but the oath of allegiance, appointed by an act of parliament made in England,
in

in the first year of the reign of their late majesties KING WILLIAM, and QUEEN MARY, (which is the same with the first of those appointed by the 10th clause of this act :) But by this clause, none shall have the benefit of this act, that shall not conform to the church of Ireland, subscribe the declaration, and take and subscribe the oath of abjuration, appointed by the 9th clause of this act; and therefore this act is a manifest breach of those articles, &c. and a force upon all the Roman catholics therein comprized, either to abjure their religion, or part with their birth-rights; which, by those articles, they were, and are, as fully, and as rightfully entituled unto, as any other subjects whatever.

“ The 10th, 11th, 12th, 13th, and 14th clauses of this bill, (said he) relate to offices and employments, which the papists of Ireland cannot hope for the enjoyment of, otherwise than by grace and favour extraordinary; and therefore, do not so much affect them, as it does the protestant dissenters, who (if this bill pass into a law) are equally with the papists deprived of bearing any office, civil or military, under the government, to which by right of birth, and the laws of the land, they are as indisputably entituled, as any other their protestant brethren: And if what the Irish did in the late disorders of this kingdom, made them rebels, (which the presence of a king, they had before been obliged to own, and swear obedience to, gave them a reasonable colour of concluding it did not,) yet surely the dissenters did not do any thing to make them so; or to deserve worse at the hands of the government, than other protestants; but, on the contrary, it is more than probable, that if they, (I mean the dissenters) had not put a stop to the career of the Irish army at Enniskillen and Londonderry; the settlement of the government, both in England and Scotland, might not have proved so easy, as it thereby did; for if that army had got to Scotland, (as there was nothing at that time to have hindered them, but the bravery of those people, who were mostly dissenters, and chargeable with no other crimes since; unless their close adhering to, and early appearing for the then government, and the many faithful services they did their country, were crimes) I say (said he) if they had got to Scotland, when they had boats, barks, and all things else ready for their transportation, and a great many friends there in arms, waiting only their coming to join them; it is easy to think, what the consequence would have been to both these kingdoms; and these dissenters then were thought fit for command, both civil and military, and were no less instrumental in contributing to the reducing the kingdom, than any other protestants: And to pass a bill now, to deprive them of their birth-rights, (for those their good services,) would surely be a most unkind return, and the worst reward ever granted to
a people,

a people, so deserving. Whatever the papists may be supposed to have deserved, the dissenters certainly stand as clean in the face of the present government, as any other people whatsoever: And if this is all the return they are like to get, it will be but a slender encouragement, if ever occasion should require, for others to pursue their examples.

“ By the 15th, 16th, and 17th clauses of this bill, all papists, after the 24th of March 1703, are prohibited from purchasing any houses or tenements, or coming to dwell in Limerick or Galway, or the suburbs of either, and even such as were under the articles, and by virtue thereof have ever since lived there, from staying there; without giving such security as neither those articles, nor any law heretofore in force, do require; except sea-men, fishermen, and day-labourers, who pay not above forty shillings a year rent; and from voting for the election of members of parliament, unless they take the oath of abjuration; which, to oblige them to, is contrary to the 9th of Limerick articles; which, as aforesaid, says the oath of allegiance, and no other, shall be imposed upon them; and, unless they abjure their religion, takes away their advowsons and right of presentation, contrary to the privilege of right, the laws of nations, and the great charter of Magna Charta; which provides, that no man shall be disseized of his birth-right, without committing some crime against the known laws of the land in which he is born, or inhabits. And if there was no law in force, in the reign of king Charles the Second, against these things (as there certainly was not), and if the Roman catholics of this kingdom have not since forfeited their right to the laws that then were in force; (as for certain they have not) then with humble submission, all the aforesaid clauses and matters contained in this bill, intituled, *An act to prevent the further growth of popery*, are directly against the plain words and true intent and meaning of the said articles, and a violation of the public faith, and the laws made for their performance; and what I therefore hope (said he) this honourable house will consider accordingly.”

Counsellor Malone and Sir Stephen Rice made discourses on the same side; the latter, not as a counsel, but as a petitioner, likely to be aggrieved by the passing of the said act: But in the course of the reply to the arguments of those gentlemen, it was objected, that they had not demonstrated how and when (since the making of the articles of Limerick) the papists of Ireland had addressed the queen or government, when all other subjects were so doing, or had otherwise declared their fidelity and obedience to the queen.

It was (among other things) observed, that by a proviso at the latter end of the second of those articles, none was to have

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or enjoy the benefit thereof, that should refuse to take the oath of allegiance.

That any right which the papists pretended to be taken from them by the bill, was in their own power to remedy, by conforming; as in prudence, they ought to do; and that they ought not to blame any but themselves.

The next day the bill was ordered to be engrossed and sent to the lords.

The petitioners having applied to the lords also, for leave to be heard by their counsel against the bill, the same was granted; and the same counsel, upon Monday, February 28th, appeared there, and offered such-like arguments as they had made use of in the other house: They told their lordships, that it had been objected by the commons, that the passing that bill would not be a breach of the articles of Limerick, as had been suggested; because, the persons therein comprized were only to be put into the same state they were in the reign of Charles the Second, and because, that in that reign there was no law in force which hindered the passing any other law thought needful for the future safety of the government. That the commons had further sayed, that the passing this bill was needful at present, for the security of the kingdom; and that there was not any thing in the articles of Limerick that prohibited their so doing.

It was admitted, on the part of the petitioners, that the legislative power cannot be confined from altering and making such laws as shall be thought necessary, for securing the quiet and safety of the government; that in time of war or danger, or when there shall be just reason to suspect any ill designs to disturb the public peace, no articles or previous obligations, shall tie up the hands of the legislators from providing for its safety, or bind the government from disarming and securing any, who may be reasonably suspected of favouring or corresponding with its enemies, or to be otherwise guilty of ill practices: "Or indeed to enact any other law," said Sir Stephen Rice, "that may be absolutely needful for the safety and advantage of the public; such a law cannot be a breach either of these, or any other like articles. But then such laws, ought to be in general, and should not single out, or affect, any one particular part or party of the people, who gave no provocation to any such law, and whose conduct stood hitherto unimpeached, ever since the ratification of the aforesaid articles of Limerick.—To make any law that shall single any particular part of the people out from the rest, and take from them what, by right of birth, and all the preceding laws of the land had been confirmed to, and intailed upon them, will be an apparent violation of the original institution of all right, and an ill precedent to any that hereafter might dislike either the present or any other

other settlement, which should be in their power to alter; the consequence of which is hard to imagine."

The Lord Chancellor having summed up all that had been offered at the bar, the house proceeded thereupon; the bill was read through; and, to the great mortification of that unhappy party, was passed; and upon the 4th of March obtained the royal assent.

N U M B. XVII.

[From the History of the Coronation of King James II. and Queen Mary; published by royal authority in 1687, p. 88.]

The Coronation Oath of James II.

[See Review, vol. ii. p. 183.]

SERMON being ended, the king uncovered his head, and the archbishop arose, and repaired to his majesty, and asked him:

Sir, Are you willing to take the oath usually taken by your predecessors?

And the king answered. I am willing.

Then the bishop ministered these questions; to which the king (having a book in his hand) answered severally as followeth.

ARCHB. Sir, will you grant and keep, and by your oath confirm to the people of England, the laws and customs to them granted by the kings of England, your lawful and religious predecessors; and namely, the laws, customs, and franchises granted to the clergy by the glorious king St. Edward, your predecessor, according to the laws of God, the true profession of the gospel established in this kingdom, and agreeing to the prerogative of the kings thereof, and the antient customs of this realm?

KING. I grant and promise to keep them.

ARCHB. Sir, will you keep peace and godly agreement intirely, according to your power, to the holy church, the clergy and the people?

KING. I will keep it.

ARCHB. Sir, will you to your power cause law, justice and discretion, in mercy and truth, to be executed in all your judgments?

KING. I will.

ARCHB. Sir, will you grant to hold and keep the rightful customs which the commonalty of this your kingdom have, and will you defend and uphold them to the honour of God, so much as in you lieth?

KING. I grant and promise so to do.

Then

Then the petition or request of the bishops to the king, was read by the bishop of Gloucester, with a clear voice, in the name of the rest standing by.

Our lord and king, we beseech you to pardon us, and to grant and preserve unto us, and the churches committed to our charge, all canonical privileges, and due law and justice, and that you will protect and defend us, as every good king in his kingdom ought to be protector and defender of the bishops and churches under their government.

The king answered :

With a willing and devout heart, I promise and grant you my pardon ; and I will preserve and maintain to you, and the churches committed to your charge, all canonical privileges, and due law and justice. And that I will be your protector and defender to my power, by the assistance of God, as every good king in his kingdom ought in right to protect and defend the bishops and churches under their government.

Then the king arose from his chair, and being attended by the lord great chamberlain, and supported by the two bishops, and the sword of state carried before him, he went to the altar, and laying his hand upon the Evangelists, took the oath following :

The things which I have here before promised, I will perform and keep. So help me God, and the contents of this book.

And then kissed the book.

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